

# PENNSYLVANIA BULLETIN

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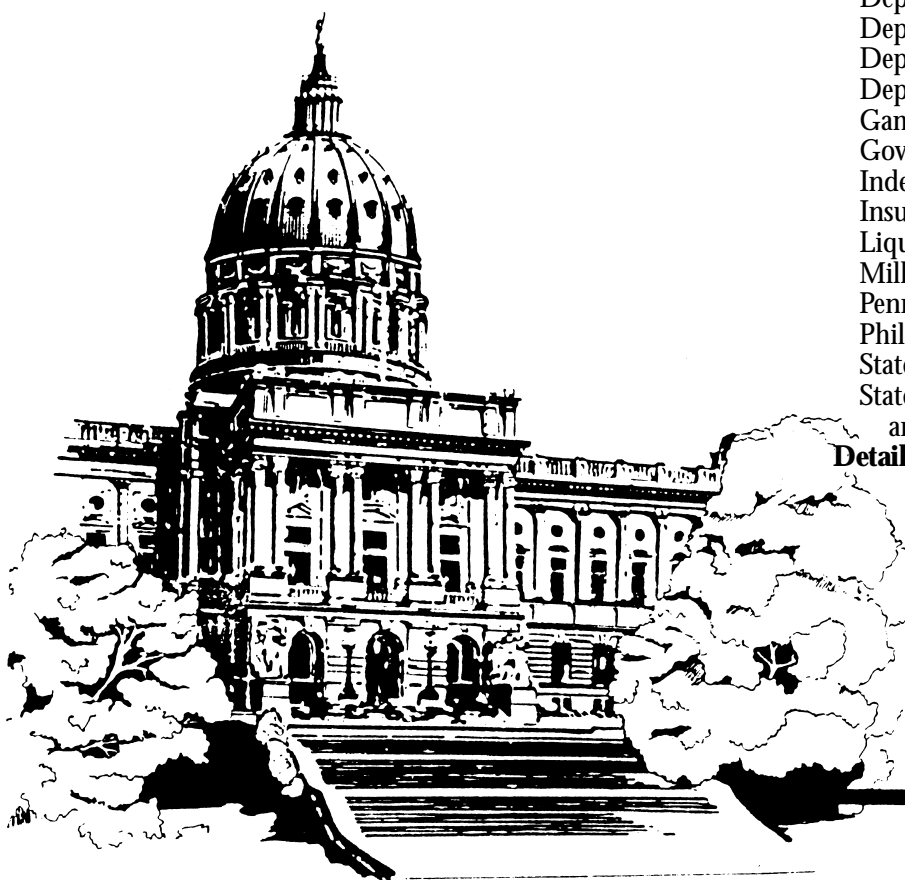
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January—June 2004

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and Salespersons

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**Latest Pennsylvania Code Reporter  
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**No. 356, July 2004**

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# READER'S GUIDE TO THE PENNSYLVANIA BULLETIN AND PENNSYLVANIA CODE

## ***Pennsylvania Bulletin***

The *Pennsylvania Bulletin* is the official gazette of the Commonwealth of Pennsylvania. It is published every week and includes a table of contents. A cumulative subject matter index is published quarterly.

The *Pennsylvania Bulletin* serves several purposes. First, it is the temporary supplement to the *Pennsylvania Code*, which is the official codification of agency rules and regulations and other statutorily authorized documents. Changes in the codified text, whether by adoption, amendment, repeal or emergency action must be published in the *Pennsylvania Bulletin*. Further, agencies proposing changes to the codified text do so in the *Pennsylvania Bulletin*.

Second, the *Pennsylvania Bulletin* also publishes: Governor's Executive Orders; State Contract Notices; Summaries of Enacted Statutes; Statewide and Local Court Rules; Attorney General Opinions; Motor Carrier Applications before the Public Utility Commission; Applications and Actions before the Department of Environmental Protection; Orders of the Independent Regulatory Review Commission; and other documents authorized by law.

The text of certain documents published in the *Pennsylvania Bulletin* is the only valid and enforceable text. Courts are required to take judicial notice of the *Pennsylvania Bulletin*.

## **Adoption, Amendment or Repeal of Regulations**

Generally an agency wishing to adopt, amend or repeal regulations must first publish in the *Pennsylvania Bulletin* a Notice of Proposed Rulemaking. There are limited instances where the agency may omit the proposal step; they still must publish the adopted version.

The Notice of Proposed Rulemaking contains the full text of the change, the agency contact person, a fiscal note required by law and background for the action.

The agency then allows sufficient time for public comment before taking final action. An adopted proposal must be published in the *Pennsylvania*

*Bulletin* before it can take effect. If the agency wishes to adopt changes to the Notice of Proposed Rulemaking to enlarge the scope, they must re-propose.

## **Citation to the *Pennsylvania Bulletin***

Cite material in the *Pennsylvania Bulletin* by volume number and page number. Example: Volume 1, *Pennsylvania Bulletin*, page 801 (short form: 1 Pa.B. 801).

## ***Pennsylvania Code***

The *Pennsylvania Code* is the official codification of rules and regulations issued by Commonwealth agencies and other statutorily authorized documents. The *Pennsylvania Bulletin* is the temporary supplement to the *Pennsylvania Code*, printing changes as soon as they occur. These changes are then permanently codified by the *Pennsylvania Code Reporter*, a monthly, loose-leaf supplement.

The *Pennsylvania Code* is cited by title number and section number. Example: Title 10 *Pennsylvania Code*, § 1.1 (short form: 10 Pa.Code § 1.1).

Under the *Pennsylvania Code* codification system, each regulation is assigned a unique number by title and section. Titles roughly parallel the organization of Commonwealth government. Title 1 *Pennsylvania Code* lists every agency and its corresponding *Code* title location.

## **How to Find Documents**

Search for your area of interest in the *Pennsylvania Code*.

The *Pennsylvania Code* contains, as Finding Aids, subject indexes for the complete *Code* and for each individual title, a list of Statutes Used As Authority for Adopting Rules and a list of annotated cases. Source Notes give you the history of the documents. To see if there have been recent changes, not yet codified, check the List of *Pennsylvania Code* Chapters Affected in the most recent issue of the *Pennsylvania Bulletin*.

The *Pennsylvania Bulletin* also publishes a quarterly List of Pennsylvania Code Sections Affected which lists the regulations in numerical order, followed by the citation to the *Pennsylvania Bulletin* in which the change occurred.

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#### **Printing Format**

Material proposed to be added to an existing rule or regulation is printed in **bold face** and material proposed to be deleted from such a rule or regulation is enclosed in brackets [ ] and printed in **bold face**. Asterisks indicate ellipsis of *Pennsylvania Code* text retained without change. Proposed new or additional regulations are printed in ordinary style face.

#### **Fiscal Notes**

Section 612 of The Administrative Code of 1929 (71 P. S. § 232) requires that the Office of Budget prepare a fiscal note for regulatory actions and administrative procedures of the administrative departments, boards, commissions or authorities receiving money from the State Treasury stating whether the proposed action or procedure causes a loss of revenue or an increase in the cost of programs for the Commonwealth or its political subdivisions; that the fiscal note be published in the *Pennsylvania Bulletin* at the same time as the proposed change is advertised; and that the fiscal note shall provide the following information: (1) the designation of the fund out of which the appropriation providing for expenditures under the action or procedure shall be made; (2) the probable cost for the fiscal year the program is implemented; (3) projected cost estimate of the program for each of the five succeeding fiscal years; (4) fiscal history of the program for which expenditures are to be made; (5) probable loss of revenue for the fiscal year of its implementation; (6) projected loss of revenue from the program for each of the five succeeding fiscal years; (7) line item, if any, of the General Appropriation Act or other appropriation act out of which expenditures or losses of Commonwealth funds shall occur as a result of the action or procedures; (8) recommendation, if any, of the Secretary of the Budget and the reasons therefor.

The required information is published in the foregoing order immediately following the proposed change to which it relates; the omission of an item indicates that the agency text of the fiscal note states that there is no information available with respect thereto. In items (3) and (6) information is set forth for the first through fifth fiscal years; in that order, following the year the program is implemented, which is stated. In item (4) information is set forth for the current and two immediately preceding years, in that order. In item (8) the recommendation, if any, made by the Secretary of Budget is published with the fiscal note. See 4 Pa. Code § 7.231 *et seq.* Where "no fiscal impact" is published, the statement means no additional cost or revenue loss to the Commonwealth or its local political subdivision is intended.

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# List of Pa. Code Chapters Affected

The following numerical guide is a list of the chapters of each title of the *Pennsylvania Code* affected by documents published in the *Pennsylvania Bulletin* during 2004.

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# THE GENERAL ASSEMBLY

## Recent Actions during the 2004 Regular Session of the General Assembly

The following is a summary of recent actions of the General Assembly during the 2004 Regular Session.

<i>Doc. No.</i>	<i>Date of Action</i>	<i>Bill Number</i>	<i>Printer's Number</i>	<i>Effective Date</i>	<i>Subject Matter</i>
<b>2004 GENERAL ACTS ENACTED—ACT 040</b>					
040	Jun 22	HB1634	PN4105	immediately	Capital Budget Project Itemization Act of 2003-2004—enactment

\* denotes an effective date with exceptions

### Effective Dates of Statutes

The effective dates specified above for laws and appropriation acts were contained in the applicable law or appropriation act. Where no date is specified or where the effective date specified is prior to the date of enactment, the effective date is 60 days after final enactment except for statutes making appropriations or affecting budgets of political subdivisions. See 1 Pa.C.S. §§ 1701—1704 (relating to effective dates of statutes).

### Advance Copies of Statutes

Section 1106 of Title 1 of the *Pennsylvania Consolidated Statutes* provides that the prothonotaries of each county shall file advance copies of statutes in their offices for public inspection until the Laws of Pennsylvania are generally available. Section 2406(h) of The Administrative Code of 1929 provides that the Department of General Services shall distribute advance sheets of the Laws of Pennsylvania to each law judge of the courts, to every county and public library of this Commonwealth and to each member of the General Assembly. These copies shall be furnished without charge. The Department shall also mail one copy of each law enacted during any legislative session to any person who pays to it the sum of \$20.

Requests for annual subscriptions for advance copies of statutes should be sent to the State Bookstore, State Records Center Building, 1825 Stanley Drive, Harrisburg, PA 17103, accompanied by a check or money order in the sum of \$20, payable to the "Commonwealth of Pennsylvania."

ROBERT W. ZECH, Jr.,  
*Director*  
*Legislative Reference Bureau*

[Pa.B. Doc. No. 04-1186. Filed for public inspection July 2, 2004, 9:00 a.m.]

# THE COURTS

## Title 255—LOCAL COURT RULES

### CARBON COUNTY

#### Adoption of New Local Rules of Civil Procedure and Recission of All Old Local Rules of Civil Procedure; 04-1727

##### Administrative Order No. 15-2004

And Now, this 22nd day of June, 2004, in order to comply with the new Pennsylvania Rules of Civil Procedure effective July 26, 2004, it is hereby

Ordered and Decreed that, effective July 26, 2004, Carbon County Adopts new Local Civil Rules of Procedure and hereby Rescinds, effective July 25, 2004, all old Local Civil Rules adopted and revised by this Court at various times and docketed to several different docket numbers.

The Carbon County District Court Administrator is Ordered and Directed to do the following:

1. File seven (7) certified copies of this Administrative Order with the Administrative Office of Pennsylvania Courts.

2. File two (2) certified copies and one (1) diskette with the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*.

3. File one (1) certified copy with the Pennsylvania Civil Procedural Rules Committee.

4. Electronically submit to the Administrative Office of Pennsylvania Courts a copy of local rules numbered 205.2(a), 205.2(b), 206.4, 208.2(c), 208.2(d), 208.2(e), 208.3(a), 210, 1028(c), 1034(a), and 1035.2(a) for publication on the website located at [www.aopc.org](http://www.aopc.org).

5. Forward one (1) copy for publication in the *Carbon County Law Journal*.

6. Forward one (1) copy to the Carbon County Law Library.

7. Keep continuously available for public inspection copies of the Order in the Prothonotary's Office.

By the Court

RICHARD W. WEBB,  
President Judge

#### Rule 51—Title and Citation of Rules.

All local civil procedural rules adopted by the Court of Common Pleas of Carbon County under the authority of Pa.R.C.P. 239 shall be known as the Carbon County Local Rules of Civil Procedure and shall be cited as "CARB.R.C.P. \_\_\_\_\_."

#### Rule 105—Bonds

(1) When a bond with approved security is required, the surety shall be a certified surety company in accordance with a list thereof maintained in the Prothonotary's Office, or in lieu thereof, at least one responsible surety or a deposit of cash.

(2) In all cases the form of the bond and the surety thereon shall be subject to review by the Court upon the filing of a motion stating specifically the objections thereto, together with notice to the adverse party and/or attorney in accordance with CARB.R.C.P. 208.3(a).

#### Rule 205.2(a)—Filing of Legal Papers with the Prothonotary.

All papers filed in the Prothonotary's Office shall conform to the following requirements:

1. The use of backers and/or toppers is prohibited.

2. Original pleadings shall be held together by paper clip or expandable spring-loaded clip.

3. Original pleadings shall not be highlighted by the use of colored markers. Highlighting of text can be done on the computer by bolding or using a different shape and size of font.

4. All documents shall be single-sided, double spaced and the font size shall be no less than 12 points.

5. Paper size shall not exceed 8 1/2" x 11" and shall be on good quality paper.

6. Attachments smaller than 8 1/2" x 11" paper shall be attached to regular size paper by using scotch tape.

7. All exhibits shall be identified and marked on the bottom center of each exhibit. No exhibit tabs shall be allowed.

8. Pages must be consecutively numbered beginning with page 2 and said number shall appear in the upper right hand corner of the pleading.

9. All copies attached to the pleadings must be clear and legible.

#### Rule 205.2(b)—Filing Legal Papers with the Prothonotary.

Pursuant to this rule, a Civil Cover Sheet marked Form "A," shall be attached to any document commencing an action (whether the action is commenced by Complaint, Writ of Summons, Notice of Appeal, or by Petition) in the Prothonotary's office.

A Motion Cover Sheet, marked Form "B," shall be attached to any motion or petition being filed.

Court of Common Pleas of Carbon County	
Civil Cover Sheet	For Prothonotary Use only (Docket Number)
A. PLAINTIFF'S NAME:	DEFENDANT'S NAME:
PLAINTIFF'S ADDRESS & TELEPHONE NUMBER:	DEFENDANT'S ADDRESS AND TELEPHONE NUMBER:

PLAINTIFF'S NAME:		DEFENDANT'S NAME:	
PLAINTIFF'S ADDRESS & TELEPHONE NUMBER:		DEFENDANT'S ADDRESS & TELEPHONE NUMBER:	
TOTAL NUMBER OF PLAINTIFFS		TOTAL NUMBER OF DEFENDANTS	
<b>B. AMOUNT IN CONTROVERSY</b> <input type="checkbox"/> \$25,000 or less <input type="checkbox"/> More than \$25,000	<b>C. COMMENCEMENT OF ACTION</b> <input type="checkbox"/> 1. Complaint <input type="checkbox"/> 2. Writ of Summons <input type="checkbox"/> 3. Notice of Appeal <input type="checkbox"/> 4. Petition Action	<b>D. CASE PROCESS</b> <input type="checkbox"/> 5. Arbitration <input type="checkbox"/> 6. Jury <input type="checkbox"/> 7. Non Jury <input type="checkbox"/> 8. Class Action	
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<b>H. STATUTORY BASIS FOR CAUSE OF ACTION (See instructions)</b>			
<b>I. RELATED PENDING CASES</b> (List by Docket Number—Indicate whether the related cases have been consolidated)			
<b>J. TO THE PROTHONOTARY:</b>  Kindly enter my appearance on behalf of Plaintiff/Petitioner/Appellant. Papers may be served at the address set forth below.			
<b>NAME OF PLAINTIFF'S/APPELLANT'S ATTORNEY</b>		<b>ADDRESS</b>	
<b>PHONE NUMBER</b>	<b>SUPREME COURT IDENTIFICATION NUMBER</b>	<b>E-MAIL ADDRESS:</b> _____	
		<b>FAX NO. (OPTIONAL—FOR SERVICE):</b> _____	
<b>DATE:</b> _____		<b>SIGNATURE:</b> _____	

#### Instructions for Completing Civil Cover Sheet

The attorney (or pro se party) filing a case shall complete the form as follows:

##### A. Parties

###### i. *Plaintiff(s)/Defendant(s)*

Enter names (last, first, middle initial) of plaintiff and defendant. If the plaintiff or defendant is a government agency or corporation, use the full name of the agency or corporation. In the event there are more than two plaintiffs and/or two defendants, list the additional parties on a separate sheet of paper. Husband and wife should be listed as separate parties.

###### ii. *Parties' Addresses and Telephone Numbers*

Enter the address and telephone numbers of the parties at the time of filing of the action. If any party is a corporation, enter the address and telephone number of the registered office of the corporation.

###### iii. *Number of Plaintiffs/Defendants*

Indicate the total number of plaintiffs and the total number of defendants in the action.

**B. Amount in Controversy**

Check the appropriate box. Indicate whether an Assessment of Damages Hearing is required.

**C. Commencement of Action**

Indicate type of document to be filed to initiate the action.

**D. Other**

Indicate whether the case is an arbitration, jury or non-jury case. Check any other appropriate boxes. If the action will require the entry of an Order approving a minor/incapacitated person's compromise, wrongful death or survival action, check the appropriate box.

**E. Track Assignment—COURT HAS FINAL APPROVAL FOR ALL TRACK ASSIGNMENTS**

If you are requesting the Complex track, please indicate the reasons for your request.

**F. Type of Action—Case Type**

Select and insert the applicable case type and code from the first two columns of the following list:

<i>Code</i>	<i>Case Type</i>	<i>Code</i>	<i>Case Type</i>	<i>Code</i>	<i>Case Specific</i>	<i>Code</i>	<i>Case</i>
@	Asbestos Case	9	Mandamus	020	Airplane/Aviation	037	Motor. Veh. Accdt. < \$25,000
X	Assessment Appeal	#	Miscellaneous	001	Assault/Battery	005	M V Prop Damage
A	Civil Action	F	Mortgage Foreclosure	018	Class Action	009	Negotiable Instrument
C	Custody	\$	Municipal Appeal	015	Consumer Credit	032	Partition
1	Declaratory Judgment	7	Name Change	019	Contract—Construction	002	Premises Liability
D	Divorce	Q	Quiet Title	011	Contract—Sale of Goods	003	Personal Injury
W	Ejectment	R	Replevin	012	Contract—Other	027	Product Liability
N	Eminent Dom./Dec. of Tak.	!	Tax Sale	025	Defamation	006	Property Damage (non-veh)
2	Eminent Domain/Pet. Viewers	V	Zoning Appeal	035	Discrimination	010	Recov. Overpaymt.
E	Equity			030	Employment/Wrongful Disc.	013	Rent/Lease/Ejectment
L	License Suspension Appeal			016	Fraud	039	Right to Know
				040	Indirect Criminal Contempt	024	Stockholder Suit
				008	Insurance—Declar. Judgment	014	Title to Real Property
				034	Malicious Prosecution	004	Torts to Land
				022	Malpractice—PROF.	023	Toxic Tort-Pers. Injury
				033	Mechanic's Lien	031	Toxic Waste/Environ.
				007	Motor Veh. Accdt. > \$25,000	021	Wast/Contam/Env

**G Case Specific**

Insert applicable case specific and code from the last two columns of the above list.

**H. Statutory Basis for Cause of Action**

If the action is commenced pursuant to statutory authority ("Petition Action"), the specific statute must be cited.

**I. Related Pending Cases**

All previously filed related cases must be identified. Indicated whether they have been consolidated by Court Order or Stipulation.

**J. Plaintiff's/Appellant's/Petitioner's Attorney—Entry of Appearance**

The name of filing party's attorney must be inserted, together with the other required information. Unrepresented filers must provide their name, address, telephone number and signature. Providing the fax number shall authorize the service of legal papers by facsimile transmission. See Pa.R.CP. 440(d)

CARBON COUNTY COURT OF COMMON PLEAS  
CIVIL DIVISION  
MOTION COVER SHEET

NO. \_\_\_\_\_

\_\_\_\_\_  
vs.  
\_\_\_\_\_

FILING OF:  
Movant ( )

Respondent ( )

_____ Assigned Judge
_____ Court Action Taken
_____ Returned to Attorney for Deficiencies
_____ Action Deferred by Court
_____ For Court Use Only

TYPE OF FILING (check one):

- ( ) 1. Pretrial Discovery Motion (432)
- ( ) 2. Motion for Discovery in Aid of Execution (480)
- ( ) 3. Preliminary Objections to (576) \_\_\_\_\_
- ( ) 4. Motion for Summary Judgment (306)
- ( ) 5. Motion for Judgment on Pleadings (294)
- ( ) 6. Motion for Leave to Join Additional Defendant (403)
- ( ) 7. Motion for TRO or Preliminary Injunction (438)
- ( ) 8. Petition to Open or Strike Judgment (498)
- ( ) 9. Motion for Alternative Service (409)
- ( ) 10. Motion for Leave to Amend (465) \_\_\_\_\_
- ( ) 11. Motion to Consolidate Actions (424)
- ( ) 12. Petition to Compromise Minor's Action (435)
- ( ) 13. Motion for Leave to Withdraw (510)
- ( ) 14. Motion for Reconsideration (441)
- ( ) 15. Motion for Advancement on Trial List (404)
- ( ) 16. Other Motion or Petition (specify): \_\_\_\_\_

OTHER PARTIES:

_____	_____
_____	_____
_____	_____

Attorney's Name (Typed) \_\_\_\_\_

Attorney for: \_\_\_\_\_ ( ) Movant ( ) Respondent

N. B. The numbers after the Motion or Petition above are docket codes used in the Court Computer System. Please be precise when checking your Motion or Petition.

**Rule 206.4(c)—Rule to Show Cause. Alternative Procedures.**

1. Carbon County adopts the procedure under Pa.R.C.P. 206.6.

2. The issuance of a rule shall grant a stay of proceedings pending further order of court. The automatic stay shall be lifted upon motion with good cause shown.

3. The order shall be pursuant to Pa.R.C.P. 206.6(c) except that it shall be modified by deleting paragraphs (4) and (5) and substituting a new paragraph (4) which shall state: an evidentiary hearing on disputed issues of material fact shall be held on \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_ , at \_\_\_\_\_ time, in Courtroom No. \_\_\_\_\_ of the Carbon County Courthouse. Paragraph number 6 shall be renumbered to number 5.

**Rule 208.2(c)—Motion. Form. Content.**

Motions shall include a brief statement identifying the applicable procedural rule, statute, or other authority relied upon for the relief requested.

**Rule 208.2(d)—Motion. Form. Content.**

When uncontested, motions shall include a certification stating that the motion is uncontested.

**Rule 208.2(e)—Motion. Form. Content.**

Every motion relating to discovery shall include a certificate signed by counsel for the moving party that counsel has conferred or attempted to confer with all interested parties to resolve the matter and are unable to resolve the dispute without court action.

**Rule 208.3(a)—Alternative Procedures.**

(A) MOTIONS

(1) Pa.R.C.P. 208.4 shall govern motion procedure in Carbon County.

(2) All motions shall be in writing, except as permitted by the court or when made in open court during a trial or hearing and shall comply with Pa.R.C.P. 208.2.

(3) A motion shall comply with the following requirements:

(a) A brief statement of applicable authority pursuant to CARB.R.C.P. 208(c);

(b) If uncontested, a certification pursuant to CARB.R.C.P. 208.2(d);

(c) In discovery motions, a certification that counsel has conferred or attempted to confer with all interested parties to resolve the matter without court action pursuant to CARB.R.C.P. 208.2(e); and

(4) The failure, in any motion, to state a type of relief or a ground therefore shall constitute a waiver of such relief or ground.

(5) Any motion may request such alternative relief as may be appropriate.

#### (B) FILING

(1) All written motions and any written answers, and any notices, or documents for which filing is required, shall be filed with the Prothonotary.

(2) Self-addressed, stamped envelopes for each attorney and unrepresented party shall be provided with the filing of the motion to the Prothonotary's Office for service of the Order of Court.

(3) Filing shall be by:

(a) personal delivery to the prothonotary; or

(b) mail addressed to the prothonotary. Except as provided by law, filing by mail shall be timely only when actually received by the prothonotary within the time fixed for filing.

(4) The prothonotary shall accept all written motions, answers, notices, or documents presented for filing. When a document, which is filed pursuant to paragraph (A)(1), is received by the prothonotary, the prothonotary shall time stamp it with the date of receipt and make a docket entry reflecting the date of receipt, and promptly shall place the document in the case file.

(5) If a pro se party submits a document to a judge without filing it with the prothonotary, and the document requests some form of cognizable legal relief, the judge promptly shall forward the document to the prothonotary for filing and processing in accordance with this rule.

#### (C) SERVICE

(1) All written motions and any written answers, and notices or documents for which filing is required, shall be served upon each party and the district court administrator concurrently with filing.

(2) Service on the parties shall be by:

(a) personal delivery of a copy to a party's attorney, or the party if unrepresented; or

(b) personal delivery of a copy to the party's attorney employee at the attorney's office; or

(c) mailing a copy to a party's attorney or leaving a copy for the attorney at the attorney's office; or

(d) in those judicial districts that maintain in the courthouse assigned boxes for counsel to receive service,

when counsel has agreed to receive service by this method, leaving a copy for the attorney in the attorney's box; or

(e) sending a copy to an unrepresented party by certified, registered, or first class mail addressed to the party's residence, business, or confinement; or

(f) sending a copy by facsimile transmission or other electronic means if the party's attorney, or the party if unrepresented, has agreed to this type of service or the attorney has provided a facsimile signature on any pleading authorizing this method of service for the document; or

(g) delivery to the party's attorney, or the party if unrepresented, by carrier service.

(3) Service on the district court administrator shall be by:

(a) mailing a copy to the district court administrator; or

(b) leaving a copy for the district court administrator at the district court administrator's office; or

(c) delivery to the district court administrator by carrier service.

#### **Rule 210—Form of Briefs**

1. Each brief shall contain:

(a) A history of the case;

(b) A statement of the pertinent facts;

(c) A statement of the questions involved; and

(d) The argument.

2. The statement of questions involved shall be so drawn that the Court may quickly determine all the legal questions requiring determination.

3. The argument shall be divided into as many parts as there are questions involved. Opinions of an Appellate Court, of this or any other jurisdiction shall be cited from the National Reporter's System and/or to the official reports of Pennsylvania Appellate Courts, if published therein.

4. Briefs shall refer specifically, by page number or other appropriate means, to any portion of the record relied upon in support of the argument.

5. Copies of all Non-Pennsylvania State cases and Non-3rd Circuit Federal cases shall be attached as Exhibits to said Brief.

6. Counsel for the moving party shall in all matters file an original and two (2) copies of a brief in the Office of the Prothonotary and forthwith serve one (1) copy of a brief upon each adverse party or counsel of record. Pa.R.C.P. 440 governs service. Service shall be required on the District Court Administrator.

7. Each adverse party or his counsel of record shall file in the Office of the Prothonotary an original and two (2) copies of a brief in answer, not later than three (3) weeks before the date of argument and forthwith serve a copy thereof upon all opposing parties or their counsel of record. Pa.R.C.P. 440 governs service. Service shall be required on the District Court Administrator.

8. Except as provided in (6), and (7) no untimely briefs shall be filed unless upon special allowance or within such time as shall be set by the Court.

**Rule 212.1—Civil Actions to be Tried by Jury. Notice of Earliest Trial Date. Time for Completing Discovery and Filing Pre-Trial Statement.**

Every party shall simultaneously file and serve upon opposing counsel a Pre-Trial Statement on or before the date established in the management review order or the order of court granting a motion to extend milestones.

Any motion to extend milestones shall be in compliance with CARB.R.C.P. 208.2(d) and CARB.R.C.P. 208.3(a). The proposed order shall list the current milestones and the recommended milestones to be established.

**Rule 212.3—Pre-Trial Conference**

At the Pre-Trial Conference, the parties or representatives of their insurance carriers are expected to attend having realistic settlement authority.

**Rule 430—Service pursuant to Special Order of Court. Publication.**

The Carbon County Law Journal shall be designated by the Carbon County Court of Common Pleas to be the legal publication for service of process by publication.

**Rule 1018.1—Notice to Defend. Form**

As required by Pa.R.C.P. 1018.1(c), the following shall be designated in the notice to defend as the person from whom legal referral can be obtained:

District Court Administrator  
Carbon County Courthouse  
4 Broadway  
P. O. Box 131  
Jim Thorpe, PA 18229-0131  
(570) 325-8556

**Rule 1028(c)—Preliminary Objections**

A. Preliminary Objections pursuant to Pa.R.C.P. 1028(a)(1), (5), or (6):

1. A proposed order shall be attached to all preliminary objections.

2. A notice to plead shall be attached to the preliminary objections.

3. If the parties agree to the relief sought, the preliminary objections shall be accompanied by a stipulation signed by all affected counsel or unrepresented parties.

4. The moving party shall simultaneously file a brief in support of the preliminary objections. See CARB.R.C.P. 210 for form, content of brief, service and filing requirements.

5. If an amended complaint is not filed within twenty (20) days of service of the preliminary objections, the matter shall be scheduled for hearing.

6. The adverse party shall file a brief in response to the preliminary objections within twenty (20) days of service. See CARB.R.C.P. 210 for form, content of brief, service and filing requirements.

7. The Court shall dispose of the matter within fifteen (15) days of argument.

B. Preliminary Objections pursuant to Pa.R.C.P. 1028(a)(2), (3), or (4):

1. A proposed order shall be attached to all preliminary objections.

2. If the parties agree to the relief sought, the preliminary objections shall be accompanied by a stipulation signed by all affected counsel or unrepresented parties.

3. The moving party shall simultaneously file a brief in support of the preliminary objections. See CARB.R.C.P. 210 for form, content of brief, service and filing requirements.

4. If an amended complaint is not filed within twenty (20) days of service of the preliminary objections, the matter shall be scheduled for argument.

5. The adverse party shall file a brief in response to the preliminary objections within twenty (20) days of service. See CARB.R.C.P. 210 for form, content of brief, service and filing requirements.

6. The Court shall dispose of the matter within fifteen (15) days of argument.

**Rule 1034(a)—Motion for Judgment on the Pleadings.**

1 The moving party shall file the motion, proposed order and a supporting brief simultaneously. If a brief is not filed with the motion, the motion shall be deemed withdrawn, without prejudice, upon motion of the opposing party. A certificate of service in conformance with Pa.R.C.P. 208.2(a)(5) shall be attached to the motion. Pa.R.C.P. 40 governs service. Service shall be required on the District Court Administrator. For form of briefs, see CARB.R.C.P. 210.

2 Any party opposing the motion shall file a responsive brief within twenty (20) days of service of the motion and provide service in accordance with number one above. Failure to file a brief shall be deemed to have no opposition to the motion.

3 Upon service of the motion on the District Court Administrator, argument shall be scheduled allowing for sufficient time to file the response briefs.

4 The Court shall dispose of the matter within fifteen (15) days of argument.

**Rule 1035.2(a)—Motion.**

1 The moving party shall file the motion for summary judgment, proposed order and a supporting brief simultaneously. If a brief is not filed with the motion, the motion shall be deemed withdrawn, without prejudice, upon motion of the opposing party. A certificate of service in conformance with Pa.R.C.P. 208.2(a)(5) shall be attached to the motion. Pa.R.C.P. 440 governs service. Service shall be required on the District Court Administrator. For form of briefs, see CARB.R.C.P. 210.

2 Any party opposing the motion shall file a responsive brief within thirty (30) days of service of the motion and provide service in accordance with number one above. Failure to file a brief shall be deemed to have no opposition to the motion and the court shall grant the motion.

3 Upon service of the motion on the District Court Administrator, argument shall be scheduled allowing for sufficient time to file the response briefs.

4 The Court shall dispose of the matter within fifteen (15) days of argument.



**Rule 1302—List of Arbitrators. Appointment to Board. Oath.**

Any attorney interested in serving on Arbitration cases shall complete and return to the District Court Administrator a "Consent to Serve as Arbitrator" as attached hereto.

This information shall be entered into the Court database for maintenance and selection of available arbitrators.

CONSENT TO SERVE AS ARBITRATOR

The undersigned hereby consents to serve as an Arbitrator under the Pennsylvania Rules of Compulsory Arbitration, and asks that his/her name remain on the active roll of Arbitrators to continue to serve in such capacity when called upon until further notice.

\_\_\_\_\_  
SIGNATURE

\_\_\_\_\_  
DATE

<p>PLEASE TYPE OR PRINT CLEARLY: NAME:  Date Admitted to the Carbon County Bar    Email: FIRM: ADDRESS:  MAILING ADDRESS: (if different than above)  Telephone No.    Fax No. Identification No. (This number appears on the lower left corner of card issued by the State Court Administrator)</p>
<p>I am associated in the Practice of Law with: (Please indicate associates Identification No.)</p> <p># _____ # _____ # _____ # _____</p> <p>I am related to the following members of the Bar who are not associated with me in the Practice of Law.</p> <p># _____ # _____</p>

NOTE: Any change in your status of practicing with or being associated with any other lawyer or lawyers shall immediately be reported to the District Court Administrator.

**Rule 1303—Hearing. Notice.**

Notice of the appointment of arbitrators and the date, time and place of arbitration shall be pursuant to Pa.R.C.P. 1303 and served pursuant to Pa.R.C.P. 440 by the Prothonotary's Office. The Notice shall include the following language: "The matter will be heard by a board of arbitrators at the time, date, and place specified but, if one or more of the parties is not present at the hearing,

the matter may be heard at the same time and date before a judge of the court without the absent party or parties. There is no right to a trial de novo on appeal from a decision entered by a judge."

If a case is settled less than two (2) days before the Arbitration hearing, one of the attorneys must appear before the Board of Arbitrators and have an Award entered by agreement. If it is settled more than two (2) days before the Arbitration hearing, Plaintiff's attorney must file a praecipe to strike the case from the arbitration list because the case is settled and must notify the panel members.

**Rule 1501—Conformity to Civil Action.**

When a praecipe for a writ of summons, a complaint or a counterclaim is filed, the Prothonotary shall index the action as a lis pendens against real property, if, but only if, the party filing the praecipe, the complaint or the counterclaim, or his attorney:

(1) files a separate praecipe describing said real property by metes and bounds or a sufficient description to identify it, and the volume and page in the Recorder of Deeds Office of this county where a recorded description of said property appears;

(2) directs in said separate praecipe that the action shall be listed on a lis pendens against said real property; and

(3) files in said separate praecipe a certification that said action:

(A) is a proceeding to revive and continue the lien of debts against a decedent's property; or

(B) is a proceeding conveying or vesting title to real property in this Commonwealth; or

(C) is a proceeding of which purchasers of the described real property should have constructive notice; and

(4) files with said separate praecipe, a written verified statement, as verified as defined in Pa. R.C.P. 76, setting forth the basis and subject matter of the cause of action and that said action affects the title to the real property so described or of any interest in said real property.

**Rule 1530—Special Relief. Accounting.**

1. If an auditor is appointed pursuant Pa.R.C.P. 1530(d), the following procedures shall govern:

(A) The auditor shall give two weeks notice in writing to the parties or their attorneys of record of the time and place fixed for hearing the matter.

(B) Testimony taken by the auditor at the hearing shall be recorded stenographically. The notes of the testimony shall not be transcribed unless exceptions are filed to the auditor's report.

(C) Within forty-five (45) days after the conclusion of the hearing the auditor shall file a written report which insofar as it is practicable shall contain (i) a history of the proceedings before the auditor, (ii) findings of fact, numbered consecutively, (iii) a concise discussion of the evidence presented and the legal issues involved, (iv) conclusions of law, numbered consecutively, and (v) a statement of the account.

(D) Upon filing of the report the auditor shall serve a copy of the same on the parties in accordance with Pa.R.C.P. 440.

(E) Exceptions to the report of the auditor may be filed by any party within ten (10) days after service of a copy

of the report upon him. If such exceptions are filed, the Court shall hear argument on the same and shall enter such order or judgment as may be appropriate. If no timely exceptions are filed, the account stated in the report of the auditor shall be final and judgment may be entered thereon upon praecipe.

(F) The Court shall determine the compensation and reimbursement for expenses to be allowed the auditor and stenographer, and shall direct that such items be taxed in whole or in part against the fund available for distribution or against any party or parties to the action as may be just and equitable in the circumstances. Upon the appointment of an auditor the moving party shall promptly deposit with the Prothonotary such sum as the court may direct for the compensation and expenses of the auditor and stenographer, and the moving party shall deposit such additional sums for such purpose as the Court may from time to time direct. Any sum so deposited which is not required for such purposes shall be refunded to the moving party upon the entry of the final order or decree.

**Rule 1901.5—Enforcement.**

If an emergency order of a District Justice or a temporary or final order of a Judge is violated, it shall be presumed that the Court of Common Pleas is unavailable and the arresting police officer shall take the defendant before a District Justice in the magisterial district in which the abuse for which relief is requested occurred.

**Rule 1905—Forms for Use in Pfa Actions. Notice and Hearing. Petition. Temporary Protection Order. Final Protection Order.**

The forms attached hereto shall be used to commence or amend an action pursuant to Pa.R.C.P. 1901.3(a).

IN THE COURT OF COMMON PLEAS OF  
CARBON COUNTY, PENNSYLVANIA  
CIVIL ACTION—LAW

\_\_\_\_\_  
(Plaintiff) :  
 :  
vs. : No. \_\_\_\_\_  
 :  
 :  
\_\_\_\_\_  
(Defendant) :

COUNTY LAWYER REFERRAL SERVICE  
NORTH PENN LEGAL SERVICES  
122-124 IRON STREET  
LEHIGHTON, PA 18235  
(610) 377-5400  
www.northpennlegal.org

IN THE COURT OF COMMON PLEAS OF CARBON COUNTY, PENNSYLVANIA  
CIVIL ACTION—LAW

\_\_\_\_\_  
(Plaintiff) :  
 :  
vs. : No. \_\_\_\_\_  
 :  
 :  
\_\_\_\_\_  
(Defendant) :

TEMPORARY PROTECTION FROM ABUSE ORDER

Defendant's Name: \_\_\_\_\_

Defendant's Date of Birth: \_\_\_\_\_

NOTICE OF HEARING AND ORDER

YOU HAVE BEEN SUED IN COURT. If you wish to defend against the claims set forth in the following papers, you must appear at the hearing scheduled herein. If you fail to do so, the case may proceed against you and a FINAL order may be entered against you granting the relief requested in the Petition. In particular, you may be evicted from your residence and lose other important rights. Any protection order granted by a court may be considered in subsequent proceedings under Title 23 (Domestic Relations) of the Pennsylvania Consolidated Statutes, including child custody proceedings under Chapter 53 (relating to custody).

A hearing on the matter is scheduled for the \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, at \_\_\_\_\_ M., in Courtroom \_\_\_\_\_ at Carbon County Courthouse, Jim Thorpe, Pennsylvania.

You MUST obey the Order that is attached until it is modified or terminated by the Court after notice and hearing. If you disobey this Order, the police may arrest you. Violation of this Order may subject you to a charge of indirect criminal contempt, which is punishable by a fine of up to \$1,000.00 and/or up to six months in jail under 23 Pa.C.S. § 6114. Violation may also subject you to prosecution and criminal penalties under the Pennsylvania Crimes Code. Under federal law, 18 U.S.C. § 2265, this Order is enforceable anywhere in the United States, tribal lands, U.S. Territories and the Commonwealth of Puerto Rico. If you travel outside of the state and intentionally violate this Order, you may be subject to federal criminal proceedings under the Violence Against Women Act, 18 U.S.C. §§ 2261-2262.

YOU SHOULD TAKE THIS PAPER TO YOUR LAWYER AT ONCE. YOU HAVE THE RIGHT TO HAVE A LAWYER REPRESENT YOU AT THE HEARING. THE COURT WILL NOT, HOWEVER, APPOINT A LAWYER FOR YOU. IF YOU DO NOT HAVE A LAWYER, GO TO OR TELEPHONE THE OFFICE SET FORTH BELOW. THIS OFFICE CAN PROVIDE YOU WITH INFORMATION ABOUT HIRING A LAWYER. IF YOU CANNOT AFFORD TO HIRE A LAWYER, THIS OFFICE MAY BE ABLE TO PROVIDE YOU WITH INFORMATION ABOUT AGENCIES THAT MAY OFFER LEGAL SERVICES TO ELIGIBLE PERSONS AT A REDUCED FREE OR NO FEE. IF YOU CANNOT FIND A LAWYER, YOU MAY HAVE TO PROCEED WITHOUT ONE.

Defendant's Social Security Number: \_\_\_\_\_  
Name of All Protected Persons, including Plaintiff and minor child/ren: \_\_\_\_\_

AND NOW, this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, upon consideration of the attached Petition for Protection from Abuse, the court hereby enters the following Temporary Order:

- ( ) 1. Defendant shall not abuse, harass, stalk or threaten any of the above persons in any place where they might be found.
- ( ) 2. Defendant is evicted and excluded from the residence at \_\_\_\_\_

(NONCONFIDENTIAL ADDRESS FROM WHICH DEFENDANT IS EXCLUDED) or any other permanent or temporary residence where Plaintiff or any other person protected under this Order may live. Plaintiff is granted exclusive possession of the residence. Defendant shall have no right or privilege to enter or be present on the premises of Plaintiff or any other person protected under this Order.

- ( ) 3. Except as provided in Paragraph 5 of this order, Defendant is prohibited from having ANY CONTACT with Plaintiff, or any other person protected under this Order, at any location, including but not limited to any contact at Plaintiff's school, business, or place of employment. Defendant is specifically ordered to stay away from the following locations for the duration of this Order: \_\_\_\_\_

- ( ) 4. Except for such contact with the minor child/ren as may be permitted under Paragraph 5 of this Order, Defendant shall not contact Plaintiff, or any other person protected under this Order, by telephone or by any other means, including through third persons.

- ( ) 5. Pending the outcome of the final hearing in this matter, Plaintiff is awarded temporary custody of the following minor child/ren: \_\_\_\_\_

Until the final hearing, all contact between Defendant and the child/ren shall be limited to the following: \_\_\_\_\_

The local law enforcement agency in the jurisdiction where the child/ren are located shall ensure that the child/ren are placed in the care and control of the Plaintiff in accordance with the terms of this Order.

- ( ) 6. Defendant shall immediately relinquish the following weapons to the Sheriff's Office or a designated local law enforcement agency for delivery to the Sheriff's Office. \_\_\_\_\_

Defendant is prohibited from possessing, transferring or acquiring any other weapons for the duration of this order.

- ( ) 7. The following additional relief is granted: \_\_\_\_\_

- ( ) 8. A certified copy of this Order shall be provided to the police department where Plaintiff resides and any other agency specified hereafter [insert name of agency]: \_\_\_\_\_

- ( ) 9. THIS ORDER SUPERSEDES

( ) ANY PRIOR PFA ORDER

AND

( ) ANY PRIOR ORDER RELATING TO CHILD CUSTODY.

10. THIS ORDER APPLIES IMMEDIATELY TO DEFENDANT AND SHALL REMAIN IN EFFECT UNTIL \_\_\_\_\_ OR UNTIL OTHERWISE MODIFIED OR TERMINATED BY THIS COURT AFTER NOTICE AND HEARING.

NOTICE TO THE DEFENDANT

Defendant is hereby notified that violation of this Order may result in arrest for indirect criminal contempt, which is punishable by a fine of up to \$1,000.00 and/or up to six months in jail. 23 Pa.C.S. § 6114. Consent of the Plaintiff to Defendant's return to the residence shall not invalidate this Order, which can only be changed or modified through the

filing of appropriate court papers for that purpose. 23 Pa.C.S. § 6113. Defendant is further notified that violation of this Order may subject him/her to state charges and penalties under the Pennsylvania Crimes Code and to federal charges and penalties under the Violence Against Women Act, 18 U.S.C. §§ 2261-2262.

NOTICE TO LAW ENFORCEMENT OFFICIALS

This Order shall be enforced by the police who have jurisdiction over the plaintiff's residence OR any location where a violation of this order occurs OR where the defendant may be located. If defendant violates Paragraphs 1 through 6 of this Order, defendant shall be arrested on the charge of Indirect Criminal Contempt. An arrest for violation of this Order may be made without warrant, based solely on probable cause, whether or not the violation is committed in the presence of law enforcement.

Subsequent to an arrest, the law enforcement officer shall seize all weapons used or threatened to be used during the violation of this Order OR during prior incidents of abuse. Weapons must forthwith be delivered to the Sheriff's office of the county which issued this Order, which office shall maintain possession of the weapons until further Order of this court, unless the weapon/s are evidence of a crime, in which case, they shall remain with the law enforcement agency whose officer made the arrest.

BY THE COURT:

By: \_\_\_\_\_ Judge

\_\_\_\_\_ Date

IN THE COURT OF COMMON PLEAS OF CARBON COUNTY, PENNSYLVANIA  
CIVIL ACTION—LAW

\_\_\_\_\_  
(Plaintiff)  
vs.  
\_\_\_\_\_  
(Defendant)  
: : : : :  
: : : : :  
: : : : :  
: : : : :  
: : : : :  
: : : : :  
No. \_\_\_\_\_

PETITION FOR PROTECTION FROM ABUSE

1. Plaintiff's name is: \_\_\_\_\_

2. I am filing this Petition on behalf of:  
 Myself and/or  Another Person  
If you checked "myself," please answer all questions referring to yourself as "Plaintiff."  
If you checked "another person," please answer all questions referring to that person as the "Plaintiff," and provide your address here, unless confidential: \_\_\_\_\_

If you checked "Another Person," indicate your relationship with Plaintiff:  
 parent of minor Plaintiff(s)  applicant for appointment as guardian ad litem of minor Plaintiff(s)  
 adult household member with minor Plaintiff(s)  court appointed guardian of incompetent Plaintiff(s)

3. Name(s) of ALL person(s), including Plaintiff and minor children, who seek protection from abuse: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

4.  Plaintiff's address is confidential  
or  
 Plaintiff's address is: \_\_\_\_\_

5. Defendant is believed to live at the following address:  
\_\_\_\_\_  
Defendant's Social Security Number (if known) is: \_\_\_\_\_  
Defendant's date of birth is: \_\_\_\_\_  
Defendant's place of employment is: \_\_\_\_\_  
 Check here if Defendant is 17 years old or younger.;

6. Indicate the relationship between Plaintiff and Defendant.

- Spouse
- Ex-spouse
- Current or former sexual/intimate partner
- Parent/Child
- Other relationship by blood or marriage: \_\_\_\_\_
- Persons who live or have lived like spouses
- Parents of the same children
- Brother/Sister

7. Have Plaintiff and Defendant been involved in any of the following Court actions?

- Divorce
- Custody
- Support
- Protection from Abuse

If you checked any of the above, briefly indicate when and where the case was filed and the court number, if known:

\_\_\_\_\_

8. Has the Defendant been involved in any criminal court action? \_\_\_\_\_

If you answered yes, is the Defendant currently on probation? \_\_\_\_\_

9. Plaintiff and Defendant are the parents of the following minor child/ren:

Name(s)	Age(s)	who reside at (list address unless confidential):
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

10. If Plaintiff and Defendant are parents of any minor child/ren together, is there an existing court Order regarding their custody? \_\_\_\_\_

If you answered yes, describe the terms of the Order (e.g., primary, shared, legal and/or physical custody): \_\_\_\_\_

If you answered Yes, in what county and state was the order issued? \_\_\_\_\_

If you are now seeking an Order of child custody as part of this petition, list the following information:

(a) Where has each child resided during the past five years?

Child's Name	Person(s) child lives with	Address, unless confidential	When
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

(b) List any other persons who are known to have or claim a right to custody of each child listed above:

Name	Address	Basis of Claim
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

11. The following other minor child/ren presently live with Plaintiff:

Name(s)	Age(s)	Plaintiff's relationship to child/ren
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

12. The facts of the most recent incident of abuse are as follows:

Approximate Date: \_\_\_\_\_ Place: \_\_\_\_\_

Approximate Time: \_\_\_\_\_

Describe in detail what happened, including any physical or sexual abuse, threats, injury, incidents of stalking, medical treatment sought, and/or calls to law enforcement (attach additional sheets of paper if necessary):

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

13. If the Defendant has committed prior acts of abuse against Plaintiff or the minor child/ren, describe these prior incidents, including any threats, injuries, or incidents of stalking, and indicate approximately when such acts of abuse occurred (attach additional sheets of paper if necessary):

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

14. List the weapon(s) that Defendant has used or threatened to use against Plaintiff or the minor child/ren:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

15. Identify the police department or law enforcement agency in the area in which Plaintiff lives that should be provided with a copy of the protection order: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

16. There is an immediate and present danger of further abuse from the Defendant.

CHECK THE FOLLOWING BOXES ONLY IF THEY APPLY TO YOUR CASE AND PROVIDE THE REQUESTED INFORMATION

Plaintiff is asking the Court to evict and exclude the Defendant from the following residence:

\_\_\_\_\_  
\_\_\_\_\_

owned by (list owners, if known): \_\_\_\_\_

rented by (list all names, if known): \_\_\_\_\_

Defendant owes a duty of support to Plaintiff and/or the minor child/ren.

Plaintiff has suffered out-of-pocket financial losses as a result of the abuse described above. Those losses are: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

FOR THE REASONS SET FORTH ABOVE, I REQUEST THAT THE COURT ENTER A TEMPORARY ORDER, and AFTER HEARING, A FINAL ORDER THAT WOULD DO THE FOLLOWING (CHECK ALL FORMS OF RELIEF REQUESTED):

A. Restrain Defendant from abusing, threatening, harassing, or stalking Plaintiff and/or minor child/ren in any place where Plaintiff may be found.

B. Evict/exclude Defendant from Plaintiff's residence and prohibit Defendant from attempting to enter any temporary or permanent residence of the Plaintiff.

C. Require Defendant to provide Plaintiff and/or minor child/ren with other suitable housing.

( ) D. Award Plaintiff temporary custody of the minor child/ren and place the following restrictions on contact between Defendant and child/ren: \_\_\_\_\_

( ) E. Prohibit Defendant from having any contact with Plaintiff and/or minor child/ren, either in person, by telephone, or in writing, personally or through third persons, including but not limited to any contact at Plaintiff's school, business, or place of employment, except as the court may find necessary with respect to partial custody and/or visitation with the minor child/ren.

( ) F. Prohibit Defendant from having any contact with Plaintiff's relatives and Plaintiff's children listed in this Petition, except as the court may find necessary with respect to partial custody and/or visitation with the minor child/ren.

( ) G. Order Defendant to temporarily turn over weapons to the Sheriff of this County and prohibit Defendant from transferring, acquiring or possessing any such weapons for the duration of the Order.

( ) H. Order Defendant to pay temporary support for Plaintiff and/or the minor child/ren, including medical support and [ ] payment of the rent or mortgage on the residence.

( ) I. Direct Defendant to pay Plaintiff for the reasonable financial losses suffered as the result of the abuse, to be determined at the hearing.

( ) J. Order Defendant to pay the costs of this action, including filing and service fees.

( ) K. Order Defendant to pay Plaintiff's reasonable attorney's fees.

( ) L. Order the following additional relief, not listed above: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

( ) M. Grant such other relief as the court deems appropriate.

( ) N. Order the police or other law enforcement agency to serve the Defendant with a copy of this Petition, any Order issued, and the Order for Hearing. The petitioner will inform the designated authority of any addresses, other than Defendant's residence, where Defendant can be served.

VERIFICATION

I verify that I am the petitioner as designated in the present action and that the facts and statements contained in the above Petition are true and correct to the best of my knowledge. I understand that any false statements are made subject to the penalties of 18 Pa.C.S. § 4904, relating to unsworn falsification to authorities.

\_\_\_\_\_  
SIGNATURE

\_\_\_\_\_  
DATE

PSP Data Sheet Information

Defendant Information: \_\_\_\_\_  
First Middle Last Suffix (Jr, Sr.)

Defendant's Alias: \_\_\_\_\_

Defendant's Sex: Male / Female Home Phone: \_\_\_\_\_

Defendant's Race: Caucasian / African American / Hispanic / Latino / Asian American / Pacific Islander / Other \_\_\_\_\_

Defendant's Date of Birth: \_\_\_\_\_ Age: \_\_\_\_\_  
Month Day Year (20 \_\_\_\_ )

Defendant's Address (if known): \_\_\_\_\_

City/State/Zip \_\_\_\_\_

Defendant's State of Birth: \_\_\_\_\_

Defendant's Skin Tone: Fair / Light / Medium / Dark / Other \_\_\_\_\_

Defendant's Height (approx.): \_\_\_\_\_ Defendant's Weight (in pounds): \_\_\_\_\_

Defendant's Eye Color: \_\_\_\_\_ Defendant's Hair Color: \_\_\_\_\_

Defendant's Scars, Marks, Tattoos: \_\_\_\_\_

Defendant's Social Security Number: \_\_\_\_\_

FBI Number: \_\_\_\_\_  
 Defendant's Miscellaneous Number: \_\_\_\_\_  
 Defendant's Spends Time (Bars, Friends, etc.): \_\_\_\_\_  
 Defendant's Operator's License Number: \_\_\_\_\_  
 Defendant's Operator's License State: \_\_\_\_\_ Operator's License Year: \_\_\_\_\_

Defendant's Vehicle Registration Number: \_\_\_\_\_  
 Defendant's Vehicle Registration State: \_\_\_\_\_  
 Defendant's Vehicle Registration Year: \_\_\_\_\_  
 Defendant's Vehicle Registration Type: \_\_\_\_\_  
 Defendant's Vehicle Identification Number: \_\_\_\_\_  
 Defendant's Vehicle Year: \_\_\_\_\_  
 Vehicle Model: \_\_\_\_\_  
 Defendant's Vehicle Style: \_\_\_\_\_  
 First Color of Vehicle: \_\_\_\_\_  
 Second Color of Vehicle: \_\_\_\_\_  
 Miscellaneous Information (vehicle): \_\_\_\_\_

Defendant's Place of Employment: \_\_\_\_\_  
 Employer's Address: \_\_\_\_\_  
City / State / Zip Code  
 Employer's Telephone Number: \_\_\_\_\_ Shift worked \_\_\_\_\_  
 Does Defendant have access to any weapons?      Yes / No  
 Is this an eviction?      Yes / No      Hearing Date: \_\_\_\_\_

Plaintiff Information:

First	Middle	Last	Suffix (Jr, Sr, etc.)
Sex: Male / Female	Race: Caucasian / African American / Hispanic / Latino / Asian American / Pacific Islander / Other _____		
Date of Birth: _____ / _____ / _____			
Plaintiff Telephone Number: _____			
_____ Address is confidential			
Address is: _____			
City / State / Zip Code			
Attorney Name: _____		Phone No.: _____	

Other Protected Person(s):

1. \_\_\_\_\_

First	Middle	Last	Suffix (Jr, Sr, etc.)
Sex: Male / Female	Race: Caucasian / African American / Hispanic / Latino / Asian American / Pacific Islander / Other _____		
Date of Birth: _____ / _____ / _____			
Telephone Number: _____			
_____ Same Address of Person Above			
Address: _____			
City / State / Zip Code			

2. \_\_\_\_\_

First	Middle	Last	Suffix (Jr, Sr, etc.)
Sex: Male / Female	Race: Caucasian / African American / Hispanic / Latino / Asian American / Pacific Islander / Other _____		
Date of Birth: _____ / _____ / _____			



Telephone Number: \_\_\_\_\_  
\_\_\_\_\_ Address is same as the Person above.

Address: \_\_\_\_\_  
City / State / Zip Code

IN THE COURT OF COMMON PLEAS OF CARBON COUNTY, PENNSYLVANIA  
CIVIL DIVISION

PLAINTIFF NAME: \_\_\_\_\_  
ADDRESS: \_\_\_\_\_  
TELEPHONE NO. \_\_\_\_\_  
DATE OF BIRTH: \_\_\_\_\_

VS. NO: \_\_\_\_\_

DEFENDANT'S NAME: \_\_\_\_\_  
ADDRESS: \_\_\_\_\_  
TELEPHONE NO. \_\_\_\_\_  
DATE OF BIRTH: \_\_\_\_\_

PROTECTION FROM ABUSE

I understand if I fail to attend the final hearing, the PFA order will be dismissed and I will be required to pay the filing and service fees of approximately \$170.00.

It is understood the costs of this proceeding will be addressed by the Judge at the time of the final hearing.

I further understand, in the event of my relocation, I am required to notify the Prothonotary's Office of such change in address.

DATE: \_\_\_\_\_  
Plaintiff

IN THE COURT OF COMMON PLEAS OF CARBON COUNTY, PENNSYLVANIA  
CIVIL ACTION—LAW

\_\_\_\_\_  
(Plaintiff) :  
vs. : No. \_\_\_\_\_  
\_\_\_\_\_  
(Defendant) :

FINAL ORDER OF COURT

Defendant's Name: \_\_\_\_\_

Defendant's Date of Birth: \_\_\_\_\_

Defendant's Social Security Number: \_\_\_\_\_

Names and Dates of Birth of All Protected Persons, including Plaintiff and minor children:

<i>Names</i>	<i>Dates of Birth</i>
_____	_____
_____	_____
_____	_____

CHECK ALL THAT APPLY:

Plaintiff or Protected Person(s) is/are:

- spouse or former spouse of Defendant
- parent of a common child with Defendant
- current or former sexual or intimate partner with Defendant
- child of Plaintiff
- child of Defendant
- family member related by blood (consanguinity) to Defendant
- sibling (person who shares biological parenthood) of Defendant
- current or former cohabitant (person who lives with) Defendant

Defendant was served in accordance with Pa.R.C.P 1930.4 and provided notice of the time, date and location of the hearing scheduled in this matter.

AND NOW, this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, the court having jurisdiction over the parties and subject-matter, it is ORDERED, ADJUDGED AND DECREED as follows: \_\_\_\_\_

[ ] Plaintiff's request for a final protection order is denied.

OR

[ ] Plaintiff's request for final protection order is granted.

[ ] 1. Defendant shall not abuse, stalk, harass, threaten or attempt to use physical force that would reasonably be expected to cause bodily injury to the Plaintiff or any other protected person in any place where they might be found.

[ ] 2. Defendant is completely evicted and excluded from the residence at (NONCONFIDENTIAL ADDRESS FROM WHICH DEFENDANT IS EXCLUDED) or any other residence where Plaintiff or any other person protected under this Order may live. Exclusive possession of the residence is granted to Plaintiff. Defendant shall have no right or privilege to enter or be present on the premises of Plaintiff or any other person protected under this Order.

[ ] On \_\_\_\_\_, 20\_\_\_\_, at \_\_\_\_\_ a.m./p.m., Defendant may enter the residence to retrieve his/her clothing and other personal effects, provided that Defendant is in the company of a law enforcement officer when such retrieval is made and \_\_\_\_\_.

[ ] 3. Except as provided in Paragraph 5 of this Order, Defendant is prohibited from having ANY CONTACT with the Plaintiff, or any other person protected under this Order, at any location, including but not limited to any contact at the Plaintiff's school, business, or place of employment. Defendant is specifically ordered to stay away from the following locations for the duration of this Order: \_\_\_\_\_

[ ] 4. Except as provided in Paragraph 5 of this Order, Defendant shall not contact the Plaintiff, or any other person protected under this Order, by telephone or by any other means, including through third persons.

[ ] 5. Custody of the minor children, \_\_\_\_\_ shall be as follows: (state to whom primary physical custody awarded; state terms of partial custody or visitation, if any.) \_\_\_\_\_

[ ] 6. Defendant shall immediately turn over to the Sheriff's Office, or to a local law enforcement agency for delivery to the Sheriff's Office, the following weapons used or threatened to be used by Defendant in an act of abuse against Plaintiff and/or the minor child/ren: \_\_\_\_\_

[ ] 7. Defendant is prohibited from possessing, transferring or acquiring any other weapons for the duration of this Order. Any weapons delivered to the sheriff under Paragraph 6 of this Order or under Paragraph 6 of the Temporary Order shall not be returned until further order of court.

[ ] 8. The following additional relief is granted as authorized by § 6108 of the Act: \_\_\_\_\_

[ ] 9. Defendant is directed to pay temporary support for: (insert the names of the persons for whom support is to be paid) \_\_\_\_\_ as follows: (insert amount, frequency and other terms and conditions of the support order) \_\_\_\_\_

This order for support shall remain in effect until a final order is entered by this Court. However, this order shall lapse automatically if the Plaintiff does not file a complaint for support with the Domestic Relations Section of the court within two weeks of the date of this order. The amount of this temporary order does not necessarily reflect the Defendant's correct support obligation, which shall be determined in accordance with the guidelines at the support hearing. Any adjustments in the final amount of support shall be credited, retroactive to this date, to the appropriate party.

[ ] 10. The costs of this action are waived as to the Plaintiff and imposed on Defendant.

[ ] 11. Defendant shall pay \$ \_\_\_\_\_ to Plaintiff as compensation for plaintiff's out-of-pocket losses, which are as follows: \_\_\_\_\_

OR

[ ] Plaintiff is granted leave to present a petition, with appropriate notice to Defendant, to \_\_\_\_\_ [insert the name of the Judge or Court to which the petition should be presented] requesting recovery of out-of-pocket losses. The petition shall include an exhibit itemizing all claimed out-of-pocket losses, copies of all bills and estimates of repair, and an order scheduling a hearing. No fee shall be required by the Prothonotary's Office for the filing of this petition.



4. Petitioner alleges that the following act(s) merit the Court's modification/withdrawal of the existing Protection from Abuse order:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Wherefore, the Petitioner respectfully requests the Court to set a date for the hearing on the merits of the instant petition.

Respectfully submitted,

\_\_\_\_\_  
Dated Plaintiff's Signature

ORDER OF HEARING

The Plaintiff(s) and Defendant(s) is/are ordered to attend a hearing on the Petition to amend the Protection from Abuse Order scheduled below:

\_\_\_\_\_, \_\_\_\_\_, 20\_\_\_\_ at \_\_\_\_\_ AM/PM, in Courtroom # \_\_\_\_\_,  
Month Day Year Time  
Carbon County Courthouse.

Dated \_\_\_\_\_ BY THE COURT

\_\_\_\_\_ J.

**Rule 1915.3—Commencement of Action. Complaint. Order.**

The person to be named in the notice shall be pursuant to CARB.R.C.P. 1018.1.

A proposed order substantially in the same form as Form "A" following this rule shall be attached to the complaint or petition.

"FORM A"

IN THE COURT OF COMMON PLEAS OF CARBON COUNTY, PENNSYLVANIA

CIVIL ACTION—LAW

\_\_\_\_\_,  
Plaintiff :  
vs. : NO. \_\_\_\_\_  
\_\_\_\_\_, :  
Defendant :  
\_\_\_\_\_- Counsel for Plaintiff  
\_\_\_\_\_- Counsel for Defendant

ORDER OF COURT

AND NOW this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, it is hereby ORDERED and DECREED as follows:

1. This Order of Court shall govern the custodial situation of the following children:

\_\_\_\_\_  
\_\_\_\_\_

2. In accordance with the statutory laws of this Commonwealth, each party shall be provided all access to the medical, dental, religious and school records of the child(ren) involved. Absent an emergency situation, each party shall be informed in regard to the medical and dental needs of the child(ren) involved.

3. Jurisdiction of the child(ren) and this matter shall remain with the Court of Common Pleas of Carbon County, Pennsylvania, unless or until jurisdiction would change under the Uniform Child Custody Jurisdiction Act.

4. The welfare of the child(ren) shall be the primary consideration of the parties in any application of the terms of this Agreement. The parties shall exert every reasonable effort to foster a feeling of affection between the child(ren) of the other party. Neither party shall do anything to estrange the child(ren) from the other party, to injure the opinion of the child(ren) as to the other party, or to hamper the free and natural development of the child(ren)'s love and respect of the other party.

5. Primary Physical custody of the child(ren) shall be as follows:

\_\_\_\_\_  
\_\_\_\_\_

6. The Plaintiff/Defendant, Father/Mother, shall have partial physical custody and visitation rights in accordance with the following schedule:

- (a) During the week: \_\_\_\_\_
- (b) Weekends: \_\_\_\_\_ ;
- (c) Major Holidays: \_\_\_\_\_ ;
- (d) Minor Holidays: \_\_\_\_\_ ;
- (e) Mother's Day and Mother's Birthday shall be with the Mother; Father's Day and Father's Birthday shall be with the Father.
- (f) Child(ren)'s Birthday(s): \_\_\_\_\_ ;
- (g) Vacation/Summers: \_\_\_\_\_ ;
- (h) Other times: \_\_\_\_\_ .

7. All other periods of partial custody by either party shall be by mutual agreement of both parties after reasonable request, and such agreement shall not be unreasonably withheld.

8. Each party agrees to keep the other advised of their current residential address and telephone number. Each party shall be entitled to speak to the child(ren) by telephone at reasonable times and intervals when the child(ren) is/are in the custody of the other party.

9. Each party agrees to give to the other a general itinerary of all vacations they plan to take with the child(ren).

10. Each party shall endeavor to give at least twenty-four (24) hours prior notice to the other in the event that it will not be possible to exercise any of the rights herein identified.

The attached "Appendix to Order" is incorporated herein and shall be part of this Order.

BY THE COURT:

\_\_\_\_\_  
J.

APPENDIX TO ORDER

Certain rules of conduct generally applicable to custody matters are set forth below and are binding on both parties, the breach of which could become the subject of contempt proceedings before this Court, or could constitute grounds for amendment of our order. If these general rules conflict with the specific requirements of our order, the order shall prevail.

1.

Neither party will undertake nor permit in his or her presence the poisoning of the minor child's mind against the other party by conversation which explicitly or inferentially derides, ridicules, condemns, or in any manner derogates the other party.

2.

The parties shall not conduct arguments or heated conversations when they are together in the presence of their child(ren).

3.

Neither party will question the child(ren) as to the personal lives of the other parent except insofar as necessary to insure the personal safety of the child(ren). By this we mean that the child(ren) will not be used as a spy on the other party. It is harmful to a child to be put in the role of "spy."

4.

Neither party will make extravagant promises to the minor child(ren) for the purposes of ingratiating himself or herself to the minor child(ren) at the expense of the other party; further, any reasonable promise to the child(ren) should be made with the full expectation of carrying it out.

5.

The parties should at all times consider the child(ren)'s best interests, and act accordingly. It is in a child(ren)'s

best interests to understand that he or she is trying desperately to cope with the fact of his parents' separation, and needs help in loving both parents, rather than interference of censure.

6.

The parties should remember that they cannot teach their child(ren) moral conduct by indulging in improper conduct themselves. Children are quick to recognize hypocrisy, and the parent who maintains a double standard will lose the respect of his or her child(ren).

7.

Weekend and evening visitation shall be subject to the following rules:

A. Arrangements will be worked out beforehand between the parties without forcing the child(ren) to make choices and run the risk of parental displeasure. However, the child shall be consulted as to his or her schedule.

B. Visitation rights should be exercised at reasonable hours and under circumstances reasonably acceptable to the other party and to the needs and desires of the minor child(ren).

C. If a party finds him or herself unable to keep an appointment, he or she should give immediate notice to the other party, so as to avoid subjecting the child(ren) to unnecessary apprehension and failure of expectations.

D. The party having custody of the child(ren) should prepare him or her both physically and mentally for the visitation with the other party and have him or her available at the time and place mutually agreed upon.

E. If either party or the child(ren) has plans which conflict with a scheduled visit and wish to adjust such visitation, the parties should make arrangements for an adjustment acceptable to the schedules of everyone involved. Predetermined schedules are not written in stone, and both parties should be flexible for the sake of the child(ren).

F. If a party shows up for a visit under the influence of alcohol or drugs, the visit may be considered forfeited on those grounds alone.

8.

During the time that the child(ren) is/are living with a party, that party has the responsibility of imposing and enforcing the rules for day-to-day living. However, unless otherwise ordered, both parents should consult with one another on the major decisions affecting the child(ren)'s life, such as education, religious training, medical treatment, and so forth.

**Rule 1915.4—Prompt Disposition of Custody Cases.**

1 Upon the filing of any claim or modification petition for custody, partial custody or visitation, the moving party shall deposit with the Prothonotary the sum of \$150.00 unless excused by the Court. If the Hearing Officer determines at the pre-hearing conference that the custody issues are complex and that additional sums should be deposited to cover the payment of the Hearing Officer's fees, the Hearing Officer shall prepare an order for the Court directing the deposit of additional sums of money and allocating who shall be responsible for deposit of additional funds.

2 A pre-hearing conference shall be scheduled before a hearing officer no sooner than thirty (30) days but no longer than forty-five (45) days after the filing of the complaint or petition to modify. This conference will focus on issues of fact and law and to explore the possibility of a negotiated settlement.

3 If the parties agree on a custodial arrangement, a consent order shall be entered pursuant to CARB.R.C.P. 1915.7.

4 If the parties are unable to agree, the Hearing Officer shall prepare and forward to the Court within 10 days a recommended Interim Custody Order established in the best interest of the child(ren), listing the date and time of the hearing. If the hearing is to be held before a Judge, the Interim Custody Order shall direct the parties to file a Pre-Trial Memorandum at least three (3) days prior to the hearing, which shall contain:

- a. A clear concise statement of the principal custody issues to be resolved by the Court;
- b. Principles of law to be applied;
- c. List of witnesses to be called and exhibits;
- d. Listing of any evidentiary disputes; and Legal Argument.
- e. Proposed Findings of Fact
- f. Proposed Custody Order

5. If the hearing is to be held before the Hearing Officer, the moving party shall be responsible to secure the services and attendance of an outside court reporter for said hearing and shall be responsible for payment of same unless the Court places the payment responsibility on the other party.

**Rule 1915.7—Consent Order**

A proposed consent order substantially in the same form as Form "A" following this Rule shall be attached to the stipulation or agreement.

"FORM A"

IN THE COURT OF COMMON PLEAS OF CARBON COUNTY, PENNSYLVANIA

CIVIL ACTION—LAW

_____ ,	:	
Plaintiff	:	
	:	
vs.	:	NO. _____
	:	
_____ ,	:	
Defendant	:	
_____ -	:	Counsel for Plaintiff
_____ -	:	Counsel for Defendant

ORDER OF COURT

AND NOW this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, upon review of the attached Agreement between the parties regarding custody of the child(ren), it is hereby

ORDERED and DECREED that said Agreement is approved and shall be incorporated into this Order of Court as if more fully set forth herein.

The attached "Appendix to Order" is incorporated herein and shall be part of this Order.

BY THE COURT:

\_\_\_\_\_  
J.

IN THE COURT OF COMMON PLEAS OF CARBON COUNTY, PENNSYLVANIA  
CIVIL ACTION—LAW

_____ ,	:	
Plaintiff	:	
	:	
vs.	:	NO. _____
	:	
_____ ,	:	
Defendant	:	
_____ -	:	Counsel for Plaintiff
_____ -	:	Counsel for Defendant

AGREEMENT FOR ENTRY OF SHARED CUSTODY ORDER OF COURT

AND NOW, this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, the following agreement is entered into upon stipulation of the parties:

This Agreement and ensuing Order of Court shall govern the custodial situation of the following children:

2. In accordance with the statutory laws of this Commonwealth, each party shall be provided all access to the medical, dental, religious and school records of the child(ren) involved. Absent an emergency situation, each party shall be informed in regard to the medical and dental needs of the child(ren) involved.

3. Jurisdiction of the child(ren) and this matter shall remain with the Court of Common Pleas of Carbon County, Pennsylvania, unless or until jurisdiction would change under the Uniform Child Custody Jurisdiction Act.

4. The welfare of the child(ren) shall be the primary consideration of the parties in any application of the terms of this Agreement. The parties shall exert every reasonable effort to foster a feeling of affection between the child(ren) of the other party. Neither party shall do anything to estrange the child(ren) from the other party, to injure the opinion of the child(ren) as to the other party, or to hamper the free and natural development of the child(ren)'s love and respect of the other party.

5. Primary Physical custody of the child(ren) shall be as follows:

6. The Plaintiff/Defendant, Father/Mother, shall have partial physical custody and visitation rights in accordance with the following schedule:

- (a) During the week: \_\_\_\_\_ ;
- (b) Weekends: \_\_\_\_\_ ;
- (c) Major Holidays: \_\_\_\_\_ ;
- (d) Minor Holidays: \_\_\_\_\_ ;
- (e) Mother's Day and Mother's Birthday shall be with the Mother; Father's Day and Father's Birthday shall be with the Father.
- (f) Child(ren)'s Birthday(s): \_\_\_\_\_ ;
- (g) Vacation/Summers: \_\_\_\_\_ ;
- (h) Other times: \_\_\_\_\_ .

7. All other periods of partial custody by either party shall be by mutual agreement of both party after reasonable request, and such agreement shall not be unreasonably withheld.

8. Each party agrees to keep the other advised of their current residential address and telephone number. Each party shall be entitled to speak to the child(ren) by telephone at reasonable times and intervals when the child(ren) is/are in the custody of the other party.

9. Each party agrees to give to the other a general itinerary of all vacations they plan to take with the child(ren).

10. Each party shall endeavor to give at least twenty-four (24) hours prior notice to the other in the event that it will not be possible to exercise any of the rights herein identified.

11. It is the intention of the parties that this agreement will be adopted into an Order of Court.

12. The filing fee for the stipulated order shall be paid by the \_\_\_\_\_ (Indicate Plaintiff or Defendant) to the Prothonotary of Carbon County simultaneous with the filing of the stipulated order.

\_\_\_\_\_  
WITNESS AS TO PLAINTIFF

\_\_\_\_\_  
PLAINTIFF

\_\_\_\_\_  
WITNESS AS TO DEFENDANT

\_\_\_\_\_  
DEFENDANT

APPENDIX TO ORDER

Certain rules of conduct generally applicable to custody matters are set forth below and are binding on both parties, the breach of which could become the subject of contempt proceedings before this Court, or could constitute grounds for amendment of our order. If these general rules conflict with the specific requirements of our order, the order shall prevail.

1.

Neither party will undertake nor permit in his or her presence the poisoning of the minor child's mind against the other party by conversation which explicitly or inferentially derides, ridicules, condemns, or in any manner derogates the other party.

2.

The parties shall not conduct arguments or heated conversations when they are together in the presence of their child(ren).

3.

Neither party will question the child(ren) as to the personal lives of the other parent except insofar as necessary to insure the personal safety of the child(ren). By this we mean that the child(ren) will not be used as a spy on the other party. It is harmful to a child to be put in the role of "spy."

4.

Neither party will make extravagant promises to the minor child(ren) for the purposes of ingratiating himself or herself to the minor child(ren) at the expense of the other party; further, any reasonable promise to the child(ren) should be made with the full expectation of carrying it out.

5.

The parties should at all times consider the child(ren)'s best interests, and act accordingly. It is in a child(ren)'s best interests to understand that he or she is trying desperately to cope with the fact of his parents' separation, and needs help in loving both parents, rather than interference of censure.

6.

The parties should remember that they cannot teach their child(ren) moral conduct by indulging in improper conduct themselves. Children are quick to recognize hypocrisy, and the parent who maintains a double standard will lose the respect of his or her child(ren).

7.

Weekend and evening visitation shall be subject to the following rules:

A. Arrangements will be worked out beforehand between the parties without forcing the child(ren) to make choices and run the risk of parental displeasure. However, the child shall be consulted as to his or her schedule.

B. Visitation rights should be exercised at reasonable hours and under circumstances reasonably acceptable to the other party and to the needs and desires of the minor child(ren).

C. If a party finds him or herself unable to keep an appointment, he or she should give immediate notice to the other party, so as to avoid subjecting the child(ren) to unnecessary apprehension and failure of expectations.

D. The party having custody of the child(ren) should prepare him or her both physically and mentally for the

visitation with the other party and have him or her available at the time and place mutually agreed upon.

E. If either party or the child(ren) has plans which conflict with a scheduled visit and wish to adjust such visitation, the parties should make arrangements for an adjustment acceptable to the schedules of everyone involved. Predetermined schedules are not written in stone, and both parties should be flexible for the sake of the child(ren).

F. If a party shows up for a visit under the influence of alcohol or drugs, the visit may be considered forfeited on those grounds alone.

8.

During the time that the child(ren) is/are living with a party, that party has the responsibility of imposing and enforcing the rules for day-to-day living. However, unless otherwise ordered, both parents should consult with one another on the major decisions affecting the child(ren)'s life, such as education, religious training, medical treatment, and so forth.

**Rule 1920.12—Complaint**

1. In every divorce or annulment complaint whether pending or new, the plaintiff shall complete Form "A" as set forth below this rule with the Social Security Number of each party to said action as required by 23 Pa.C.S.A. 4304.1(a)(3). Said form shall not be attached to said complaint but shall remain separate from the complaint.

a. The Prothonotary's Office shall record the Social Security Numbers in the Court Computer Database and, upon verification of proper entry, shall shred the form containing the Social Security Numbers. The Social Security Numbers shall remain confidential in that they will only be visible to internal personnel and cannot be accessed through the public access programs.

2. The Social Security Number Disclosure Notice shall be attached to the divorce or annulment complaint. Said notice shall be in the form set forth in Form "B."

3. The person to be named in the notice shall be pursuant to CARB.R.C.P. 1018.1.

Form "A"

Docket Number of Divorce/Annulment Case \_\_\_\_\_  
 Plaintiff Name: \_\_\_\_\_  
 Plaintiff Social Security Number: \_\_\_\_\_  
 Defendant Name: \_\_\_\_\_  
 Defendant Social Security Number: \_\_\_\_\_

Form "B"

In the Court of Common Pleas of  
 Carbon County, Pennsylvania

Social Security Number  
Disclosure Notice

In accordance with section 7(b) of the Privacy Act, you are hereby notified that disclosure of your Social Security number is mandatory based on Section 466(a)(13) of the Social Security Act [42 U.S.C. 666(a)(13)], Pennsylvania Consolidated Statutes (Pa C.S.) §§ 4304.1 and 4353(a.2). Additionally, you are notified that this information will be used solely in the divorce action.

**Rule 1920.51—Hearing by the Court. Appointment of Master. Notice of Hearing**

1. If the Master determines during the course of the proceedings that additional sums should be deposited for



the payment of Master's fees, the Master shall request the parties to deposit such additional sums with the Prothonotary and shall allocate who shall be responsible for the depositing of said additional costs. In the event the parties object to the request of the Master, the party shall petition the Court and the Judge shall hold a hearing thereon and issue an appropriate Order.

2. Hearings shall be stenographically recorded. The moving party shall be responsible to secure the services of an outside Court reporter for said hearing and shall be responsible for payment thereof unless the Court places the payment responsibility on the other party.

**Rule 2102(b)—Style of Action.**

(1) In all cases where an appeal is taken from a real estate assessment fixed by the Carbon County Board of Assessment and Appeals, the petition for allowance of appeal shall have attached to it a photocopy of the appealed from order of the said board and a proposed preliminary decree which shall provide:

(A) The appeal is allowed.

(B) Within 5 days from the date of the preliminary decree, appellant shall serve a copy of the petition and preliminary decree upon the said board, the governing body of the municipality, and the board of school directors of the school district in which the real estate is situate and upon the property owner, if he is not the appellant.

(C) The taxing authorities aforesaid and the property owner, if he is not the appellant, be and are hereby entitled to intervene as parties appellee; and

(D) The Carbon County Board of Assessment and Appeals is directed to certify to the Court all evidence including photos, maps, appraisals, submitted below to become part of the Court record.

2. Within forty-five (45) days after required service of the petition and preliminary decree, all parties of record shall file pre-hearing statements and serve a copy on all other parties of record. The pre-hearing statement shall include:

A. A summary of the facts which will be offered by oral and documentary evidence at the hearing;

B. A list of exhibits to be offered;

C. A list of the names and addresses of all witnesses to be called;

D. Copies of any appraisal reports, or if no report is available, a summary of the testimony of any expert who will be called as a witness;

E. A statement of the current valuation which is the basis for the appeal;

F. A statement setting forth the appellant's position as to the correct valuation which shall include appellant's position as to correct market value, assessment ratio, and assessment;

G. A statement that there have been negotiations between the parties and a good faith attempt to settle the case; and

H. The statement shall be signed by the parties or their counsel.

3. Upon docketing of all pre-hearing statements, a pre-hearing conference shall be scheduled. Notice pursuant to Pa.R.C.P. 440 shall be given by the Prothonotary's Office to all affected taxing authorities whether or not parties of record. Each party of record shall either be personally present, or shall be represented by counsel authorized to

act on behalf of the absent party of record with respect to the trial of the case or its settlement.

4. At the pre-hearing conference, the parties of record shall consider:

A. Possible stipulations as to evidence and facts;

B. Simplification of the issue; and

C. Settlement.

5. Following the pre-hearing conference, the Court shall enter an appropriate order or schedule a hearing.

**Rule 2974.2—Notice of Judgment and Execution Required by Rule 2973.2. Form**

The person to be named in the notice shall be pursuant to CARB.R.C.P. 1018.1.

**Rule 2974.3—Notice of Judgment and Execution Required by Rule 2973.3. Form**

The person to be named in the notice shall be pursuant to CARB.R.C.P. 1018.1.

**Rule 3252—Writ of Execution. Money Judgments.**

The person to be named in the notice shall be pursuant to CARB.R.C.P. 1018.1.

**Rule 3256—Praecipe for Writ. Mortgage Foreclosure.**

The praecipe for the writ shall state the volume and page of the recorded mortgage securing the obligation upon which the judgment was entered, as well as the volume and page of the deed conveying the real property to the debtor.

**Rule 4005—Written Interrogatories to a Party.**

Interrogatories, as a matter of right, shall not exceed FORTY (40) in number. Interrogatories inquiring as to the names and locations of witnesses, or the existence, location and custodian of documents of physical evidence each shall be construed as one (1) interrogatory. All other interrogatories, including subdivisions of one numbered interrogatory, shall be construed as separate interrogatories. If counsel for a party believes that more than FORTY (40) interrogatories are necessary, counsel shall consult with opposing counsel promptly and attempt to reach a written stipulation as to a reasonable number of additional interrogatories. Counsel are expected to comply with this requirement in good faith. In the event a written stipulation cannot be agreed upon, the parties seeking to submit additional interrogatories shall file a motion with the Court showing the necessity for relief.

**Rule 4014—Request for Admission.**

Request for admission, as a matter of right, shall not exceed FORTY (40) in number. Request for admission as to the names and locations of witnesses, or the existence, location and custodian of documents of physical evidence each shall be construed as one (1) admission. All other request for admission, including subdivisions of one numbered request for admission, shall be construed as separate request for admission. If counsel for a party believes that more than FORTY (40) admissions are necessary, counsel shall consult with opposing counsel promptly and attempt to reach a written stipulation as to a reasonable number of additional admissions. Counsel are expected to

comply with this requirement in good faith. In the event a written stipulation cannot be agreed upon, the parties seeking to submit additional admissions shall file a motion with the Court showing the necessity for relief.

[Pa.B. Doc. No. 04-1187. Filed for public inspection July 2, 2004, 9:00 a.m.]

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**CARBON COUNTY**  
**Fee Schedule for Arbitrators; 04-1728**

**Administrative Order No. 14-2004**

*And Now*, this 22nd day of June, 2004, it is hereby

*Ordered and Decreed* that, effective July 26, 2004, Carbon County *Adopts* the following fee schedule for Arbitrators appointed pursuant to Pennsylvania Rules of Compulsory Arbitration:

1. Each member of the board of arbitrators who signs the award shall receive a fee of \$125.00 for all cases involving three (3) hours or less, plus \$25.00 for each hour over three (3) hours. (Awards in companion cases heard together count as one award for purposes of this Order). In cases requiring hearings of unusual duration or involving questions of unusual complexity, the Court on petition of the members of the board and for cause shown, may allow additional compensation.

2. In cases where an award is to be entered by the arbitrators pursuant to an agreement of settlement within two (2) days before the scheduled hearing, each member of the board shall receive a fee of \$75.00.

The Carbon County District Court Administrator is *Ordered and Directed* to do the following:

1. File seven (7) certified copies of this Administrative Order with the Administrative Office of Pennsylvania Courts.

2. File two (2) certified copies and one (1) diskette with the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*.

3. File one (1) certified copy with the Pennsylvania Civil Procedural Rules Committee.

4. Forward one (1) copy for publication in the *Carbon County Law Journal*.

5. Forward one (1) copy to the Carbon County Law Library.

6. Keep continuously available for public inspection copies of the Order in the Prothonotary's Office.

*By the Court*

RICHARD W. WEBB,  
*President Judge*

[Pa.B. Doc. No. 04-1188. Filed for public inspection July 2, 2004, 9:00 a.m.]

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**DAUPHIN COUNTY**  
**Promulgation of Local Rules; No. 1793 S 1989**

**Order**

*And Now*, this 23rd day of June 2004, Dauphin County Local Rules are amended as follows:

**RULE 205.1. [Filing Legal Papers;] Removing Papers From Prothonotary's Office**

(1) All papers filed in the Office of the Prothonotary shall bear the name of the attorney or party filing them, and the address at which service can be made. In all cases where a judge has been assigned to the matter in dispute, a courtesy copy of all pleadings, briefs or memoranda filed with the Prothonotary shall also be filled with the chambers of the assigned judge. The size and other physical characteristics of all papers or other documents filed shall conform to standards set and established by the Pennsylvania Rule of Appellate Procedure for papers or other documents filed in an appellate court.

(2) The Prothonotary shall endorse upon each paper filed the date and time of its filing, and enter it upon the proper docket.

(3) Except as otherwise provided herein, no original papers shall be removed from the Office of the Prothonotary without prior written permission of the Court upon cause shown. Transcripts of proceedings are deemed to be original papers.

(4) No original note, bond or other instrument upon which a judgment has been entered, shall be removed from the Office of the Prothonotary except for use by the Court.

(5) All other papers may be removed by any attorney who is a member of the Dauphin County Bar—

(a) For return prior to the close of the next business day, upon the filing with the Prothonotary of a signed letter listing with specificity each document to be removed together with a receipt as prescribed by Rule 205.1(7), below.

(b) For a period not to exceed thirty (30) days, with written leave of Court.

(6) A referee, auditor, master or other similar officer appointed by the Court may remove papers for the purposes of his appointment for a period not to exceed ninety (90) days, unless the time be further extended by order of Court.

(7) When an attorney removes papers from the Office of the Prothonotary with permission of the Court he shall give a receipt thereof, setting forth the caption and number of the case, a description of the papers removed and the date of removal, which receipt shall be signed by the attorney removing the papers.

(8) All papers removed on receipt, with or without leave of Court, shall be returned promptly, and in no case shall papers be retained for a period longer than prescribed herein, except by special permission of the Court. If papers are retained beyond the proper time limit, the Prothonotary shall notify the attorney in default of his failure to return such papers, and if such default continues for three (3) days following such notice the attorney concerned shall thereafter be prohibited from removing any papers from the office until the default is corrected. The Prothonotary shall report such cases of continuing default to the Court for appropriate action.]

No original papers, including transcripts, shall be removed from the Prothonotary's Office except by the following officers appointed by the court:

- (1) Custody Conference Officers
- (2) Divorce Masters
- (3) Chair of Board of Arbitration

- (4) Chair of Board of View
- (5) Special Masters
- (6) Court staff and other person(s) specifically authorized by order of court.

**Rule 205.2(a) Physical Characteristics Of Pleadings and Other Legal Papers**

(1) All documents filed in the Office of Prothonotary shall be on 8 1/2 inch by 11 inch paper and shall comply with the following requirements:

(a) The document shall be prepared on white paper of good quality and the use of recycled paper is encouraged.

(b) The first sheet shall contain a 3-inch space from the top of the paper for all court stampings, filing notices, etc.

(c) The text must be double spaced, but quotations more than two lines long may be indented and single spaced. Except as provided in subsection b, margins must be at least one inch on all four sides.

(d) The lettering shall be clear, legible and no smaller than Arial 12 point.

(e) The lettering shall be on only one side of a page.

(f) All exhibit tabs shall appear at the bottom of the pleading.

(g) No backers shall be used on the original or any copies of pleadings or other legal papers filed with the Prothonotary. The original of pleadings or other legal papers should be stapled in the top left corner. If the document is over one-half inch thick, it should be secured with a binder clip. Backers may be used for copies provided to the court, opposing parties or clients.

(h) Exhibits or attachments smaller than 8 1/2 inches by 11 inches shall be attached to a regular size paper by using adhesive tape.

(i) Pages shall be consecutively numbered beginning with page 2 and said number shall appear on the bottom center of the pleading.

(j) The name of the attorney or party, the address at which service can be made, a telephone number and email address of the attorney or party shall appear on the top left hand corner of the first page of all papers filed in the Office of the Prothonotary.

(k) With the initiating filing and all subsequent filings, in cases where medical malpractice is or will be alleged, the notation "medical malpractice" shall appear on all captions directly underneath the docket number.

(l) Any courtesy copies of filings that are provided to a judge and served on opposing parties must be firmly bound and any metal fasteners or staples must be securely covered with no sharp or protruding edges of any kind.

(m) Filings of record may be referenced in any subsequent filing but shall not be attached thereto.

(2) The Prothonotary shall endorse upon each paper filed, the date and time of its filing, and enter it upon the proper docket.

**RULE 205.2(b) COVER SHEETS (Under Further Review and Consideration)**

**Rule 206—Petitions and Motions; Stay of Proceedings (Rescinded)**

**Rule 206.1(a)—Petitions**

(1) The only applications designated to proceed as petitions are:

- (a) Petitions to Open Judgment;
- (b) Non Pros Petitions; and
- (c) Any other applications so designated by statute or rule of court.

All other applications shall proceed as motions. If an application is designated by statute or rule of court to proceed as a petition, the statutory basis or specific rule must be specifically set forth in the petition.

(2) All issues relating to the administration, filing and processing of judicial assignments relating to petitions shall be under the direction and supervision of the Civil Calendar Judge.

**Rule 206.4(c). Applications Designated to Proceed as Petitions—Rules to Show Cause**

(1) An original and one copy of a Petition to Open Judgment or a Non Pros Petition or other application designated by statute or rule of court to proceed as a petition shall be filed with the Prothonotary and served on all other parties.

(2) The Prothonotary shall forward the original petition to the Court Administrator's Office and shall retain the copy in the file. The petition shall be assigned to a judge for disposition by the Court Administrator's Office.

(3) The assigned judge may issue a rule to show cause pursuant to Pa.R.C.P. 206.5 Discretionary Issuance). The judge may also issue a scheduling order, which may include any discovery deadlines, briefing schedule, argument or hearing dates and a stay of proceedings as the judge deems necessary upon review of the petition.

**Rule 208.2(c)—Motions—Statement of Applicable Authority**

All motions shall include a brief statement of the applicable authority which supports the claim for the requested relief.

**Rule 208.2(d)—Uncontested Motions—Certification**

All motions shall contain a certification indicating that the moving party has disclosed the full text of the motion and the proposed order to all parties by facsimile or electronic communication, and that concurrence to both the motion and proposed order has been given or denied by each party.

**Rule 208.2(e)—Discovery Motions—Certification**

A party who files a motion for a protective order or a motion to compel discovery that has been objected to by the opposing party, shall certify, in the motion, that counsel has conferred or attempted to confer with all interested parties in order to resolve the dispute. The moving party shall identify the parties who have not concurred in the motion. If the motion is concurred in by all parties, the moving party shall file a stipulation, which must include the signature of all parties, together with a proposed order for consideration by the court.

**Rule 208.3(a)—Motion Procedure**

(1) General Procedure.

(a) Motions are defined in Pa.R.C.P. 208.1.

(b) In addition to the requirements regarding the content of a motion found in Pa.R.C.P. 208.2, all motions shall contain the following information:

(i) whether a hearing or argument is requested and the estimated length of time needed for the hearing or argument; and

(ii) whether discovery is necessary.

(c) An original and one copy of a motion shall be filed with the Prothonotary and a copy served on all other parties.

(d) The Prothonotary shall forward the original motion to the Court Administrator's Office and shall retain the copy in the file.

(e) The Civil Calendar Judge shall determine whether the motion should be ruled upon by the Motion Judge or if it should be assigned to an individual judge for disposition, which decision shall be final.

(f) If the Civil Calendar Judge determines that the motion should be assigned to an individual judge, the Court Administrator's Office shall assign the motion to a judge who has had prior significant involvement with the case or, if no judge has had prior significant involvement, to a judge on a rotating basis.

(g) The Court Administrator's Office shall forward the motion to either the Motion Judge or the Assigned Judge for disposition as aforesaid.

(h) The Assigned Judge or Motion Judge, as the case may be, shall review the motion and issue an appropriate order pursuant to Pa.R.C.P. 208.4.

(i) If the Assigned Judge determines that argument is advisable to be heard before a three-judge panel, the Assigned Judge and the Court Administrator's Office shall make the necessary scheduling arrangements for such panel argument.

(j) Additional rules regarding discovery motions are found in Local Rule 4019, especially those relating to a Motion for Sanctions.

(2) Emergency Motions:

(a) Motions that genuinely require an expedited disposition shall be designated as Emergency Motions by the filing party and clearly indicated as such in the title of the motion contained on the first page thereof.

(b) The attorney or pro se party shall promptly notify the Deputy Civil Court Administrator's Office by telephone as soon as it is determined that an Emergency Motion will be filed, and shall give the Deputy Civil Court Administrator's Office a realistic estimate of the date and time of the intended filing, a detailed description of the background of the motion, and the requested relief.

(c) An original and one copy of the Emergency Motion shall be filed with the Prothonotary.

(d) After filing, the original shall be hand-carried by counsel or the pro se party to the Deputy Court Administrator's Office, and the Prothonotary shall retain the copy in the file.

(e) The Court Administrator's Office shall assign the Emergency Motion to a judge to be resolved as soon as practical.

(3) All issues relating to the administration, filing, and processing of judicial assignments relating to motions shall be under the direction and supervision of the Civil Calendar Judge.

**Rule 208.4—Motions—Entry of Order**

At the initial consideration of the motion, the court shall enter an order in accordance with Pa.R.C.P. 208.4.

**Rule 210—Form and Content of Briefs**

(1) Briefs shall contain the following:

(a) a full and accurate procedural history of the case;

(b) a full, accurate and unbiased statement of the facts;

(c) a concise statement of the pertinent legal and factual question(s) involved;

(d) a legal discussion, with accurate and verified citations to legal authority, including contra authority;

(e) a concise statement indicating the requested relief and its specific application to the facts of the case; and

(f) a concise statement setting forth the reasons why oral argument is believed to be necessary or, in the alternative, a statement waiving oral argument.

(2) The Brief of each party, if more than fifteen pages in length, shall contain an Index and a Table of Citation of cases and statutes with reference to the page(s) at which they appear in the Brief. All citations must be verified and brought current to the date of filing.

(3) No Reply Briefs shall be filed unless otherwise directed by the Assigned Judge.

**Rule 211—Argument Court (Rescinded)**

**Rule 215.1 Jury Trials**

(1) LISTING—[At least six weeks prior to the first day of a session of civil jury trials, any case which is at issue may be listed for trial by the filing of a certificate of readiness with the Prothonotary.] An original and one copy of a Certificate of Readiness shall be filed with the Prothonotary listing a case for a jury trial in accordance with the timelines published in the Annual Court Calendar. No case subject to compulsory arbitration shall be listed for trial, unless on appeal from a report and award of arbitrators. [The party entering a case for trial shall concurrently give written notice thereof, including a copy of the certificate of readiness, to all other parties. Failure to give such notice may be grounds for striking the case from the list.] The party filing the Certificate of Readiness shall communicate with all counsel and/or pro se parties and confirm the availability of all counsel or the pro se party, as the case may be, together with the availability of all witnesses and all parties for the particular trial term before the Certificate of Readiness is filed. The listing party shall attest that all discovery has been completed, serious settlement negotiations have been conducted, videotaped testimony for use at trial has been recorded, and that the case is READY IN ALL RESPECTS for trial. A copy of the Certificate of Readiness shall be promptly served on all counsel and/or pro se parties. If a party is not represented by counsel of record, such notice shall include the date of the first day of the applicable trial session. The Prothonotary shall forward the original Certificate of Readiness to the Court Administrator's Office and shall retain the copy in the file. The Certificate of Readiness form is available in the Prothonotary's Office, in the Court Administrator's Office and online at the Dauphin County website ([www.dauphincounty.org](http://www.dauphincounty.org)). Parties filing the Certificate of Readiness form must ensure that the most current form is utilized. Failure to utilize the most current form shall result in the rejection of the Certificate of Readiness. If a party is unable to satisfy the requirements regarding the filing of a Certificate of Readiness due to the unavailability of counsel, parties or witnesses, such party shall immediately file an Administrative Application for Status Conference in accordance with Dauphin County Local Rule 215.3.

[THE CERTIFICATE OF READINESS CONFIRMS THAT ALL DISCOVERY IN THE CASE HAS BEEN COMPLETED, THAT ALL NECESSARY PARTIES AND WITNESSES WILL BE AVAILABLE, THAT SERIOUS

SETTLEMENT NEGOTIATIONS HAVE BEEN CONDUCTED, AND THAT THE CASE IS READY IN ALL RESPECTS FOR TRIAL.]

(3) OBJECTIONS TO THE CERTIFICATE OF READINESS FOR JURY TRIAL [AND MOTIONS FOR CONTINUANCE]

(a) [(i) At least three (3) weeks prior to the first day of the trial session any and all objections by a party to the listing of a case must be presented in the form of a motion to strike.] All Objections to the Certificate of Readiness shall be set forth in a pleading, in paragraph form, and filed promptly in accordance with the timelines found in the Annual Court Calendar. The Objection shall contain a procedural history of the case and a detailed statement as to why the objection is being made. [The motion must be filed with the Prothonotary, with copies served upon all other counsel and the Court Administrator's Office.] The original and one copy of the Objection shall be filed with the Prothonotary. The Prothonotary shall forward the original to the Court Administrator's Office and retain the copy in the file. The Objection shall be promptly served on all other counsel and/or pro se parties. Objections filed after the timelines established in the Annual Court Calendar will not be entertained, except in extraordinary circumstances for extremely good cause shown.

[(ii) In cases which are otherwise ready for trial, a party shall move for a continuance pursuant to Pa.R.Civ.P.216. Such motions will be heard by the Calendar Judge unless the case has been previously assigned to another member of the court.]

(b) [Objections and motions for continuance submitted in accordance with Rule 215.1(3)(a) will be heard by the Calendar Judge, as provided for in Rule 215.1(5) on the Friday of the third week prior to the trial session, or as otherwise scheduled by the Court.] All objections shall be heard by the Civil Calendar Judge on the date specified in the Annual Court Calendar.

**Rule 215.2—Non-Jury Trials and Other Proceedings (Rescinded)**

**Rule 215.3—Status Conferences**

(1) DISCRETIONARY—[Not earlier than six months a] After the filing of a complaint, a party may [petition the Court] file a pleading designated as an Administrative Application for [s]Status [c]Conference. [The petition shall set forth the procedural history of the case and the reasons necessitating the conference. A copy of the petition shall be served on opposing counsel but no answer shall be required. The conference will be scheduled upon filing a request for assignment of a non-jury proceeding with the Court Administrator's Office.] A status conference may be requested for the purpose of setting a discovery deadline; exchanging information regarding witnesses and expected testimony; settlement discussions; discussion of special requests or problems or for facilitating the case to trial. Following the conference the Court may issue such order as may facilitate the resolution of issues raised at the conference and may assign the case for trial to a particular trial term.

(2) MANDATORY—An Administrative Application for Status Conference shall be filed in all cases that are estimated to last longer than five days (jury selection through a reasonable period of jury deliberation) as soon as it is known or believed that the trial of the case may exceed that period of time. In such instances, the case will be assigned to a judge for case management purposes and eventual trial. At the conference, the assigned judge

(in consultation with the Civil Court Administrator's Office), shall identify the civil trial term that accommodates the parties, witnesses, counsel and the court's schedule. The case will be listed for trial for the identified trial term by order of court and will be given a priority status. The scheduling order shall identify the estimated length of trial and any other special considerations.

(3) The Administrative Application for Status Conference shall be in paragraph form and shall set forth the complete and factual procedural history of the case and the reasons necessitating the conference. A copy of the Application shall be served on all opposing counsel and pro se parties and no response shall be required. An original and one copy of the Application shall be filed with the Prothonotary. The Prothonotary shall forward the original to the Court Administrator's Office for assignment to a judge and shall retain the copy in the file. The Court Administrator's Office, under the direction and supervision of the Civil Calendar Judge, shall promptly assign the Application for Status Conference to a judge who has had prior significant involvement with the case or if no judge has had prior significant involvement, to a judge on a rotating basis.

**Rule 215.4 Complex Litigation Designation: Appointment of a Single Judge**

At anytime after the service of the complaint, any party to a case may [petition the Court for complex litigation designation] file a pleading designated as an Administrative Application for Complex Case Designation. The Application shall be set forth in paragraph form. An original and one copy of the Application shall be filed with the Prothonotary. The [petition] Application shall set forth the parties, the causes of action, the nature of cross or counter claims, and a brief statement of the perceived complexities of the case. The [petition] Application shall further aver that all other parties have been contacted and shall state whether or not they concur in the [petition] Application. Where concurrence has not been obtained, a Rule to Show Cause, returnable within [10] ten days of service, shall be attached to the [petition] Application. The Prothonotary shall forward the original Application to the Court Administrator's Office for further processing and shall retain the copy in the file. The Court Administrator's Office [The matter] shall thereafter [be referred] refer the matter to the Civil Calendar Judge who, upon review of the [petition] Application and any answer thereto, shall determine whether complex litigation designation is appropriate. If such status is granted, the Civil Calendar Judge shall by order assign the case to a member of the Court. This assignment shall be considered permanent for all pre-trial, trial, and post-trial matters.

A denial by the Civil Calendar Judge of complex litigation designation shall be without prejudice to refile another Application after the pleadings are closed.

**Rule 1028(c)—Preliminary Objections—Procedures for Disposition**

(1) An original and one copy of the Preliminary Objections shall be filed with the Prothonotary and served on all other parties.

(2) When the Preliminary Objections are ready for disposition in accordance with the Pennsylvania Rules of Civil Procedure, but not earlier than twenty days after actual service on all other parties, a party may file an original and one copy of a Certificate of Readiness with the Prothonotary.

(3) The Prothonotary shall forward the original Certificate of Readiness to the Court Administrator's Office and retain the copy in the file.

(4) The Court Administrator's Office, under the direction and supervision of the Civil Calendar Judge, shall promptly assign the Preliminary Objections to a judge who has had prior significant involvement with the case or, if no judge has had prior significant involvement, to a judge on a rotating basis.

(5) The Assigned Judge shall issue a scheduling order, which will include any briefing requirements and an argument date (if necessary). If the Assigned Judge determines that argument is advisable before a three-judge panel, the Assigned Judge and the Court Administrator's Office will make the necessary scheduling arrangements for such panel argument.

(6) If a party requests that discovery is necessary for the disposition of the Preliminary Objections, said request shall be contained in the Preliminary Objection or in the answer thereto. The Assigned Judge shall dispose of this request in the scheduling order.

(7) The Certificate of Readiness form is available in the Prothonotary's Office, in the Court Administrator's Office and online at the Dauphin County website ([www.dauphincounty.org](http://www.dauphincounty.org)). Parties filing a Certificate of Readiness form must ensure that the most current form is utilized. Failure to utilize the most current form shall result in the rejection of the Certificate of Readiness.

**Rule 1034(a)—Motion for Judgment on the Pleadings—Procedures for Disposition**

(1) An original and one copy of the Motion for Judgment on the Pleadings shall be filed with the Prothonotary and served on all other parties.

(2) When the Motion for Judgment on the Pleadings is ready for disposition in accordance with the Pennsylvania Rules of Civil Procedure, a party may file an original and one copy of a Certificate of Readiness with the Prothonotary.

(3) The Prothonotary shall forward the original Certificate of Readiness to the Court Administrator's Office and retain the copy in the file.

(4) The Court Administrator's Office shall promptly assign the Motion for Judgment on the Pleadings to a judge who has had prior significant involvement with the case or, if no judge has had prior significant involvement, to a judge on a rotating basis.

(5) The Assigned Judge shall issue a scheduling order, which will include any briefing requirements and an argument date (if necessary). If the Assigned Judge determines that argument is advisable before a three-judge panel, the Assigned Judge and the Court Administrator's Office will make the necessary scheduling arrangements for such panel argument.

(6) The Certificate of Readiness form is available in the Prothonotary's Office, in the Court Administrator's Office and online at the Dauphin County website ([www.dauphincounty.org](http://www.dauphincounty.org)). Parties filing a Certificate of Readiness form must ensure that the most current form is utilized. Failure to utilize the most current form shall result in the rejection of the Certificate of Readiness.

**Rule 1035.2(a)—Motion for Summary Judgment—Procedures for disposition**

(1) An original and one copy of the Motion for Summary Judgment shall be filed with the Prothonotary and served on all other parties.

(2) When the Motion for Summary Judgment is ready for disposition in accordance with the Pennsylvania Rules of Civil Procedure, a party may file an original and one copy of a Certificate of Readiness with the Prothonotary.

(3) The Prothonotary shall forward the original Certificate of Readiness to the Court Administrator's Office and retain a copy in the file.

(4) The Court Administrator's Office shall promptly assign for Motion for Summary Judgment to a judge who has had prior significant involvement with the case or, if no judge has had prior significant involvement, to a judge on a rotating basis.

(5) The Assigned Judge shall issue a scheduling order, which will include any briefing requirements and an argument date (if necessary). If the Assigned Judge determines that argument is advisable before a three-judge panel, the Assigned Judge and the Court Administrator's Office will make the necessary scheduling arrangements for such panel argument.

(6) The Certificate of Readiness form is available in the Prothonotary's Office, in the Court Administrator's Office and online at the Dauphin County website ([www.dauphincounty.org](http://www.dauphincounty.org)). Parties filing a Certificate of Readiness form must ensure that the most current form is utilized. Failure to utilize the most current form shall result in the rejection of the Certificate of Readiness.

**RULE 1038. TRIAL WITHOUT JURY**

[Assignment of a case to a judge for a trial without jury shall be requested in accordance with Dauphin County local rule 215.2.]

(1) When a case is READY IN ALL RESPECTS to be scheduled for a trial without a jury, any party may file an original and one copy of a Certificate of Readiness with the Prothonotary.

(2) The Prothonotary shall forward the original Certificate of Readiness to the Court Administrator's Office and shall retain the copy in the file.

(3) The Court Administrator's Office, under the direction and supervision of the Civil Calendar Judge, shall assign the case to be tried without a jury to a judge who has had prior significant involvement with the case or, if no judge has had prior significant involvement, to a judge on a rotating basis.

(4) The Certificate of Readiness form is available in the Prothonotary's Office, in the Court Administrator's Office and online at the Dauphin County website ([www.dauphincounty.org](http://www.dauphincounty.org)). Parties filing a Certificate of Readiness form must ensure that the most current form is utilized. Failure to utilize the most current form shall result in the rejection of the Certificate of Readiness.

**Rule 1301—Arbitration**

(2) When a [Praecept for Arbitration] Certificate of Readiness is filed, it shall contain a statement of any other actions pending in this Court involving a common question of law or fact, together with the amount involved therein. If all such cases are subject to arbitration, the Prothonotary shall consolidate them for arbitration. If any such case is not subject to arbitration, all such cases shall be consolidated for trial before the Court.

**Rule 1303—Listing of a Case. Notice. Location. Continuances.**

(a) (1) [A party or attorney to an arbitration case shall file a Praecept for Arbitration in the Prothonotary's Office at least six weeks prior to the date scheduled for the

beginning of an arbitration week and shall concurrently serve a copy of the Praeceptum on all other parties or attorneys.] When a case is READY IN ALL RESPECTS for arbitration, a party may file an original and one copy of a Certificate of Readiness with the Prothonotary in accordance with the timelines established in the Annual Court Calendar. The Prothonotary shall forward all original Certificate of Readiness forms to the Court Administrator's Office. The Chair of the arbitration panel shall prepare the list of cases and send the list of cases to all attorneys and pro se parties involved in the cases. The Certificate of Readiness [praecipium] shall contain the following statement:

This matter will be heard by a [b]Board of [a]Arbitrators at the time, date, and place specified by the Chair of the panel but, if one or more of the parties is not present at the hearing, the matter may be heard at the same time and date before a Judge of the Court without the absent party or parties. There is no right to a trial de novo on appeal from a decision entered by a Judge.

A hearing under the provisions of this notice shall be heard by the Arbitration Judge if his/her schedule so permits.

(2) At least thirty [30] days prior to filing a [praecipium to list for arbitration] Certificate of Readiness, a party or attorney must notify all other parties or attorneys of the intention to list.

(3) All hearings shall be in the Dauphin County Courthouse unless otherwise agreed to in writing by the parties or attorneys and the Court Administrator.

(4) The Certificate of Readiness form is available in the Prothonotary's Office, in the Court Administrator's Office and online at the Dauphin County website ([www.dauphincounty.org](http://www.dauphincounty.org)). Parties filing a Certificate of Readiness form must ensure that the most current form is utilized. Failure to utilize the most current form shall result in the rejection of the Certificate of Readiness.

(b) Continuances

(1) [Motions for continuance shall be in writing and presented to the arbitration panel chairman, with copies served concurrently upon all other parties.] The original and one copy of a pleading designated as an Application for Continuance shall be filed with the Prothonotary. The Prothonotary shall immediately forward the original to the Court Administrator's Office and retain the copy in the file. The Court Administrator's Office shall forward the Application to the Arbitration Chair if the case is less than two years old. If the case is more than two years old, the Court Administrator's Office shall forward the Application to the Arbitration Judge. Applications for Continuance shall be served concurrently upon all other parties. No continuance shall be granted if filed less than ten days prior to the beginning of the arbitration term except in the most extraordinary circumstances. A courtesy copy of the Application shall be sent to the Arbitration Chair.

(2) The Application for Continuance [motion] shall certify that all other parties do or do not concur in the request.

(3) If all parties concur, and the case is less than two years old, the panel [c]Chair[man] shall approve the Application for Continuance [motion] and [note the same on the docket] file an order continuing the matter and directing the parties to file a Certificate of Readiness for a subsequent term.

(4) If a party does not concur, and the case is less than two years old, the panel [c]Chair[man] shall convene a

telephone conference among all parties, and shall make a decision on the Application for Continuance [motion]. [He] The Chair shall then inquire if any aggrieved party wishes to appeal the matter to the [Calendar] Arbitration Judge.

(a) If a party indicates an intention to contest the decision of the panel [c]Chair[men], an Application [motion] for [c]Continuance shall thereafter be presented to the [Calendar] Arbitration Judge, reciting the date the Application for Continuance [motion] was presented to the panel [c]Chair[man], the date of the conference call, the names of the attorneys and parties who participated in the call, and the panel [c]Chair[man]'s decision.

(b) If no party indicates an intention to contest the decision of the panel [c]Chair[man], [he] the panel [c]Chair shall [note that decision on the docket] file an order with the Prothonotary indicating the decision.

(5) Only one request for continuance will be granted for cases less than two [2] years old, and none shall be granted for those over two [2] years old, except with leave of court for cause shown.

### Rule 1703 Class Actions

When a Class Action Complaint, which is properly captioned as such, is filed with the Prothonotary, a copy of the Complaint shall be immediately brought to the Court Administrator's Office by the filing party. The Court Administrator's Office, under the direction and supervision of the Civil Calendar Judge, will promptly assign the matter to a judge in accordance with Pa.R.C.P. 1703(b).

### Rule 1910.7 Question of Jurisdiction or Venue.

Preliminary Objections to the existence or exercise of jurisdiction or venue in any support action shall be assigned to a judge for disposition [in accordance with Dauphin County Local Rule of Civil Procedure 215.2].

### Rule 1910.24 Stay of Proceedings—Support (Rescinded)

### Rule 1915.5 Question of Jurisdiction or Venue. No Responsive Pleading Required. COUNTERCLAIM

(c) Preliminary objections to the existence or exercise of jurisdiction or venue in any custody action shall be assigned to a judge for disposition [in accordance with Dauphin County Local Rule of Civil Procedure 215.2].

### Rule 1920.2 Question of Jurisdiction or Venue

Preliminary objections to the existence or exercise of jurisdiction or venue in any divorce action shall be assigned to a judge for disposition [in accordance with Dauphin County Local Rule of Civil Procedure 215.2]. Either party may submit a non-jury assignment request form to the Court Administrator's Office and the matter will be assigned to a judge in accordance with Dauphin County Local Rule of Civil Procedure 215.2].

### Rule 1920.43 Special Relief—Divorce

(1) A petition for special relief filed in accordance with Pennsylvania Rule of Civil Procedure 1920.43 shall include a Rule to Show Cause in accordance with Pa.R.C.P.206.5 (Discretionary Issuance).

(2) When a response to the Rule to Show Cause is filed, [either] a party may, if otherwise appropriate under the Rules of Civil Procedure, [submit a non-jury assignment request form to the Court Administrator's Office and the matter will be assigned to a judge in accordance with Dauphin County Local Rule of Civil Procedure 215.2] file an original and one copy of a Certificate of Readiness with the Prothonotary.

(3) The Prothonotary shall forward the original Certificate of Readiness to the Court Administrator's Office and retain a copy in the file.

(4) The Court Administrator's Office, under the direction and supervision of the Civil Calendar Judge, shall promptly assign the Petition for Special Relief to a judge who has had prior significant involvement with the case or, if no judge has had prior significant involvement, to a judge on a rotating basis.

(5) The Certificate of Readiness form is available in the Prothonotary's Office, in the Court Administrator's Office and online at the Dauphin County website (www.dauphincounty.org). Parties filing a Certificate of Readiness form must ensure that the most current form is utilized. Failure to utilize the most current form shall result in the rejection of the Certificate of Readiness.

**Rule 2959(e)—Stay of Proceedings—Striking Off or Opening Judgments (Rescinded)**

**Rule 3121(b)—Stay of Execution—Money Judgment (Rescinded)**

**Rule 3162(b)—Stay of Execution—Ejectment (Rescinded)**

**Rule 3172(b)—Stay of Execution—Replevin (Rescinded)**

**Rule 3183(b)—Stay of Execution—Mortgage Foreclosure (Rescinded)**

**Rule 4013—Stay of Proceedings—Discovery (Rescinded)**

Rule 4019 Discovery [Disputes]

(1) (a) [Whenever,] Except in the situations that are covered by subsection (4) hereof, when a dispute arises, during any discovery permitted under the Pennsylvania Rules of Civil Procedure, [a dispute as to the discovery of any matter arises between the parties,] an aggrieved party shall file with the Prothonotary an original and one copy of a Motion for a Discovery Conference [motion with the Prothonotary and immediately deliver to the Court Administrator's Office both a copy of the motion and a non-jury slip as required by Dauphin County Local Rule 215.2(2)]. The Prothonotary shall forward the original discovery conference motion to the Court Administrator's Office for assignment in accordance with Local Rule 208.3(a) and shall retain the copy in the file.

(3) (c) The Judge assigned to conduct the discovery conference [hearing the discovery dispute] shall enter an appropriate order [(1)] disposing of the issues raised in the motion [or (2) directing that the motion be listed for Argument Court].

(4) Procedure for failure to provide discovery permitted by statute, rule of practice, rule of procedure, or order of court. [; Motion for Sanctions.]

(a) WRITTEN DISCOVERY

(1) If a party fails to timely respond [timely] to interrogatories or a request for production of documents, [or

fails to appear in response to a notice of deposition] and no extension of time has been granted, no motion for a protective order has been granted, or no objection to the written discovery request has been lodged, the party seeking [issuing] the discovery [request] shall proceed under ONE of the following options: [may file a motion for sanctions.]

(a) DISCOVERY CONFERENCE—the aggrieved party may promptly file a Motion for a Discovery Conference in accordance with Local Rule 4019(1), provided that no written Notice of Intention to Seek Sanctions has been sent pursuant to Local Rule 4019(4)(a)(1)(b) as set forth hereafter.

(b) MOTION FOR SANCTIONS—

(i) A written [n]Notice of [i]Intention to [s]Seek [s]Sanctions, specifically (a) referencing this rule, (b) listing the sanctions sought, and (c) where applicable, noting that the Sanctions Hearing Order will require the presence of both the defaulting party(ies) and their counsel at said hearing, unless counsel for the defaulting party(ies) accepts full responsibility for the default, in writing, filed within five calendar days of receipt of the motion, shall be sent to counsel for the defaulting party(ies), if represented, otherwise to the defaulting party(ies), by certified mail, return receipt requested, at least thirty days before filing a [m]Motion for [s]Sanctions.

(c) (ii) If [the requested] a full and complete discovery response authorized by the Pennsylvania Rules of Civil Procedure is received within said thirty-day notice period, no [m]Motion for [s]Sanctions shall be filed. However, a Discovery Conference can thereafter be sought for any appropriate relief upon motion of any party.

(d) (iii) A [m]Motion for [s]Sanctions shall state [(1)] the discovery requests alleged to be in default, and [(2)] the requested appropriate [proposed] sanctions [appropriate] pursuant to Pa.R.Civ.P. 4019. A written certificate of service of the written [n]Notice of [i]Intention to [s]Seek [s]Sanctions [under subparagraph (b)] and a copy of the notice shall be attached. If attorneys' fees and expenses are sought, reasonable documentation of time devoted and expenses incurred must [shall] be attached to the [m]Motion. Failure to attach such reasonable documentation shall preclude consideration of that form of relief. A concise Answer to the Motion is permitted if filed within ten days of service of a copy of the Motion for Sanctions.

(e) (iv) The Civil Calendar Judge shall conduct a hearing on the [m]Motion, even if the default that prompted the [m]Motion has been corrected before the hearing date.

(v) Nothing in this section shall prohibit a party(ies), who is having difficulty in complying with a discovery request, from requesting a Discovery Conference with the Court by filing a Motion for Discovery Conference before a Notice of the Intention to Seek Sanctions is sent by the requesting party(ies).

(b) DEPOSITIONS

(1) When a party or nonparty fails to appear for a duly noticed deposition, and no Protective Order has been obtained, a Motion for Sanctions may be filed immediately and without further notice. However, it shall be the firm responsibility of the party seeking sanctions to



ensure, to a certainty, that actual notice of the deposition was personally served on the person failing to appear.

These amendments shall be effective July 26, 2004.

*By the Court*

JOSEPH H. KLEINFELTER,  
*President Judge*

[Pa.B. Doc. No. 04-1189. Filed for public inspection July 2, 2004, 9:00 a.m.]

**FAYETTE COUNTY**

**Local Rule 1034; Civil Division; No. 1336 of 2004  
GD**

**Order**

*And Now*, this 18th day of June, 2004, pursuant to the Pennsylvania Rule of Civil Procedure 239, it is hereby ordered that Local Rule 1034 is hereby amended to read as follows and shall become effective on July 26, 2004.

The Prothonotary is directed as follows:

(1) Seven certified copies of the Local Rules shall be filed with the Administrative Office of Pennsylvania Courts.

(2) Two certified copies and diskette of the Local Rules shall be distributed to the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*.

(3) One certified copy of the Local Rules shall be sent to the State Civil Procedural Rules Committee.

(4) One certified copy shall be sent to the Fayette County Law Library and the Editor of the *Fayette Legal Journal*.

(5) This amendment shall also be published on the web site of the Administrative Office of Pennsylvania Courts ([www.aopc.org](http://www.aopc.org)).

*By the Court*

CONRAD B. CAPUZZI,  
*President Judge*

**Rule 1034. Judgment on the Pleadings**

(a) A Motion for Judgment on the Pleadings shall be presented in Motions Court as a Routine Motion within ten (10) days after the date on which a response is due from the non-moving party, accompanied by a proposed order for the Court's use in setting the date and time for argument. A response to the motion shall be filed within 20 days after service of the same.

(1) Unless otherwise ordered, the brief of the moving party shall be served on all parties and the assigned Judge within fifteen (15) days from the presentation of the motion pursuant to FCR 208.3(a); and the briefs of all responding parties shall be served on all other parties and the assigned Judge within fifteen (15) days after service of the moving party's brief. A certificate of service shall be filed with the Prothonotary, the brief itself need not be filed.

(2) Failure to comply with the briefing schedule may result in the denial of oral argument or such other sanctions as are appropriate.

[Pa.B. Doc. No. 04-1190. Filed for public inspection July 2, 2004, 9:00 a.m.]

**FAYETTE COUNTY**

**Local Rules 201, 201.1, 202, 203, 204, 205.2, 206.1, 206.4, 208.2, 208.3, 211, 211.1, 211.2, 211.3, 214, 1028, 1034, 1035.2; Civil Division; No. 1289 of 2004**

**Order**

*And Now*, this 8th day of June, 2004, pursuant to the Pennsylvania Rule of Civil Procedure 239, it is hereby ordered that Local Rules 211, 211.1, 211.2, and 211.3 are hereby rescinded; Local Rules 201, 201.1, 202, 203, 204 and 214 are hereby amended, and new Local Rules 205.2, 206.1, 206.4, 208.2, 208.3, 1028, 1034, 1035.2 are hereby promulgated, to read as follows. These revisions shall become effective on July 26, 2004.

The Prothonotary is directed as follows:

(1) Seven certified copies of the Local Rules shall be filed with the Administrative Office of Pennsylvania Courts

(2) Two certified copies and diskette of the Local Rules shall be distributed to the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*.

(3) One certified copy of the Local Rules shall be sent to the State Civil Procedural Rules Committee.

(4) One certified copy shall be sent to the Fayette County Law Library and the Editor of the *Fayette Legal Journal*.

(5) These revisions shall also be published on the website of the Administrative Office of Pennsylvania Courts ([www.aopc.org](http://www.aopc.org)).

*By the Court*

CONRAD B. CAPUZZI,  
*President Judge*

**Fayette County Local Rules—Civil**

**FCR 201 Case Assignment**

(a) All civil cases, not including family court matters, filed in the Prothonotary's Office shall be assigned to a Judge as set forth in FCR 201.1. The Prothonotary shall notify the assigned Judge of the assignment upon the filing of the initial responsive pleading of any defendant. The assigned Judge's name shall be placed on all subsequent pleadings by counsel under the number and term of the case.

(b) If pending cases which arise from the same transaction or occurrence are assigned to different Judges, the Court, on its own motion or the motion of any party, may order the cases consolidated before the Judge assigned to the first case filed.

**FCR 201.1 Random Assignment**

Civil cases set forth in FCR 201(a) shall be assigned randomly by the Prothonotary's computer system to a Judge. Those cases which have not yet been assigned and require an emergency determination as provided in FCR 208.3(a)(3) will be immediately assigned randomly by the Prothonotary's computer system, after the President Judge approves the case as being in compliance with FCR 208.3(a)(3).

**FCR 202 Status Conference**

As to cases filed on or after the effective date of FCR 201(a), the assigned Judge shall schedule a status conference no sooner than thirty (30) days after the initial responsive pleading to the complaint is filed.

**FCR 203 Case Management Order**

(a) At the FCR 202 status conference, the assigned Judge shall enter a case management order which may include the following:

- (1) a date for discovery to be completed;
- (2) referral to arbitration of all cases when the amount actually in controversy does not exceed the jurisdictional limits of arbitration. The Court shall set forth the estimated length of time for the arbitration hearing in the referral order;
- (3) a date for all dispositive motions, including motions for summary judgment and for judgment on the pleadings, to be filed;
- (4) a pretrial conference date; and
- (5) the earliest trial date on which the case may be tried pursuant to Pa.R.C.P. 212.1(a).

**FCR 204 Presentation of Applications for Court Action**

(a) All applications for Court action, including motions, petitions, and those other applications specifically listed in Pa.R.C.P. 208.1 (b)(1) and (2), shall be presented to the Court by following the Motions Court procedure set forth in FCR 208.3(a). As used herein, the term "motion" shall include every type of motion, petition, or other application for action by the Court, and shall be designated as either "Priority" or "Routine," presentation of the latter not requiring the presence of the parties or counsel for either side. By definition, a "priority" motion is one which may be subject to contest or is so unusual as to require discussion or explanation, while "routine" motions include all other applications, such as uncontested matters to which the parties have consented in writing, requests for hearing, or requests for later argument.

(b) All motions filed and served pursuant to FCR 208.3(a)(1) shall include a Certificate of Service, signed by the party's attorney, or the party if unrepresented, setting forth the date and manner of service (personal delivery, mail, facsimile), and the names, addresses and phone numbers of the persons served.

Example:

I hereby certify that I am this day serving the within document upon the persons and in the manner indicated below.

1. Service by certified mail, return receipt requested:  
(Name of person served) \_\_\_\_\_ ,  
\_\_\_\_\_ Phone Number \_\_\_\_\_ Address \_\_\_\_\_
  2. Service by facsimile at FAX number \_\_\_\_\_ :  
(Name of person served) \_\_\_\_\_ ,  
\_\_\_\_\_ Phone number \_\_\_\_\_ Address \_\_\_\_\_
  3. Service in person:  
(Name of person served) \_\_\_\_\_ ,  
\_\_\_\_\_ Phone number \_\_\_\_\_ Address \_\_\_\_\_
- Date: \_\_\_\_\_ Signature \_\_\_\_\_

**FCR 205.2 Filing Legal Papers with the Prothonotary**

(a) The caption of every pleading or other legal paper, with the exception of original process, shall set forth immediately below the docket number the name of the assigned judge.

**FCR 206.1 Petition, Definition, Content and Form**

(a) In addition to petitions to open and for non pros, petition practice shall also be applicable to petitions to transfer venue on grounds of forum non conveniens.

**FCR 206.4 Rule to Show Cause**

(c) Fayette County hereby adopts Pa.R.C.P 206.5 as the procedure governing Rules to Show Cause. The issuance of Rules to show Cause will be discretionary with the Court upon presentation of a petition seeking the same.

(1) A petition for a Rule shall be presented to the assigned judge as a Priority Motion in accordance with FCR 208.3(a).

(i) Those petitions which show no merit on their face or which can be determined by a short presentation by the respective attorneys in Motions Court will be disposed of without a formal factfinding procedure.

(ii) If it appears to the Court that formal factfinding is necessary to the disposition of the Rule, the Court will set a date for argument subsequent to the filing of an Answer and the taking of any necessary discovery.

(2) In the event that the Court grants the Rule to Show Cause, an order to that effect will be issued in accordance with Pa. R.C.P. 206.5, setting forth the time mandates for the Respondent's Answer and any depositions required prior to argument.

(i) Said order will also indicate the date set for argument on the matter.

(ii) The Petitioner for the Rule must provide notice of the entry of this order to all parties within seven (7) business days of the entry thereof.

(3) A request for a stay of execution pending disposition of a petition to open may be ordered upon presentation of said petition.

**FCR 208.2 Motions**

(c) All motions and other applications for Court action must set forth a specific citation to relevant constitutional provisions, case law, statutory provisions or rules that provide the Court's authority to grant the relief requested. Said citation shall be placed on the Certificate of Presentation, which form appears in Paragraph 7 of FCR 208.3(a).

(d) All motions and other applications for Court action presented as uncontested require certification as such, if no joinder has been attached.

(e) Any motion relating to discovery must contain a certification that counsel has conferred or attempted to confer with all interested parties in order to resolve the matter without court action.

**FCR 208.3 Motions Court Procedure**

(a) In order to provide a uniform means of presenting to the Court all matters which require action by the Court, Motions Court will be held daily at 9:00 o'clock A.M. in the courtroom of the Motions Judge. The name of the assigned Motions Judge for each day shall be published periodically in the Fayette County Legal Journal.

(1) The Court Administrator shall maintain a Motions Docket and shall make daily entries of all motions filed and the disposition thereof.

(2) All motions shall be accompanied by a Certificate of Presentation as set forth in FCR 208.3(a)(7).

(3) The moving party shall file the original motion, Certificate of Presentation, and any attachments in the

appropriate office before presentment in Motions Court. An original proposed order, a copy of the Certificate of Presentation and motion, assembled in that order, shall be delivered to the Court Administrator and every other party of record. Such copies and notice shall be given so as to be received at least two (2) business days before presentation in Motions Court, unless there are emergency circumstances specified in the motion requiring presentation within a shorter time.

(4) All priority motions will be presented to the assigned Judge in Motions Court.

(5) The Court Administrator shall assign any motion not otherwise assigned to a Judge for disposition.

(6) Failure to accurately provide the information required by paragraph (7) below may result in the matter not being listed for Motions Court.

(7) The Certificate of Presentation shall be substantially in the following form:

IN THE COURT OF COMMON PLEAS OF  
FAYETTE COUNTY, PENNSYLVANIA

:  
:  
:  
:  
:  
: NO. \_\_\_\_ OF \_\_\_\_

CERTIFICATE OF PRESENTATION

1. The undersigned, \_\_\_\_\_, represents \_\_\_\_\_, the moving party herein.

2. The attached motion will be presented in Motions Court on \_\_\_\_\_, \_\_\_\_\_, 20 \_\_\_\_ at 9:00 o'clock A.M.

3. The attached motion shall be classified as a Routine/Priority motion as defined in the preceding Rule entitled Presentation of Applications for Court Action. (If the motion is Routine, parties or counsel are not required to be present in Motions Court.)

4. Judge \_\_\_\_\_ has been assigned or has previously ruled on a matter relevant to this motion. (See attached relevant ruling.)

5. The SPECIFIC citation for the Court's authority to grant the relief requested is \_\_\_\_\_.

6. Estimated time for hearing or argument to resolve the motion on its merits: \_\_\_\_\_.

Respectfully submitted,  
\_\_\_\_\_

Date: \_\_\_\_\_

**FCR 214 Trials**

(a) There shall be four (4) Sessions of Civil Jury Trial terms each year, beginning respectively on the third Monday of January, April, July, and October, unless otherwise specifically ordered.

(b) The jury selection day shall be the first day of the Civil Jury Trial term, and such other days as the Court may direct.

(c) Non-jury and equity trials shall be scheduled at the pretrial conference.

(d) As to any civil jury trial, unless the assigned Judge directs otherwise, a trial date and a jury selection date shall be determined at the pretrial conference.

**FCR 1028 Preliminary Objections**

(c) Preliminary objections shall be presented in Motions Court as a Routine Motion within ten (10) days after the date for filing an amended pleading pursuant to Pa.R.C.P. 1028(a)(1) or a response is due from the non-moving party, accompanied by a proposed order for the Court's use in setting the date and time for argument.

(i) Unless otherwise ordered, the brief of the moving party shall be served on all parties and the assigned Judge within fifteen (15) days from the presentation of the motion pursuant to FCR 208.3(a); and the briefs of all responding parties shall be served on all other parties and the assigned Judge within fifteen (15) days after service of the moving party's brief. A certificate of service shall be filed with the Prothonotary, the brief itself need not be filed.

(ii) Failure to comply with the briefing schedule may result in the denial of oral argument or such other sanctions as are appropriate.

**FCR 1034 Judgment on the Pleadings**

(a) A Motion for Judgment on the Pleadings shall be presented in Motions Court as a Routine Motion within ten (10) days after the date on which a response is due from the non-moving party, accompanied by a proposed order for the Court's use in setting the date and time for argument.

(i) Unless otherwise ordered, the brief of the moving party shall be served on all parties and the assigned Judge within fifteen (15) days from the presentation of the motion pursuant to FCR 208.3(a); and the briefs of all responding parties shall be served on all other parties and the assigned Judge within fifteen (15) days after service of the moving party's brief. A certificate of service shall be filed with the Prothonotary, the brief itself need not be filed.

(ii) Failure to comply with the briefing schedule may result in the denial of oral argument or such other sanctions as are appropriate.

**FCR 1035.2 Summary Judgment**

(a) A Motion for Summary Judgment shall be presented in Motions Court as a Routine Motion within ten (10) days after a response is due from the non-moving party, accompanied by a proposed order for the Court's use in setting the date and time for argument.

(i) Unless otherwise ordered, the brief of the moving party shall be served on all parties and the assigned Judge within fifteen (15) days from the presentation of the motion pursuant to FCR 208.3(a); and the briefs of all responding parties shall be served on all other parties and the assigned Judge within fifteen (15) days after service of the moving party's brief. A certificate of service shall be filed with the Prothonotary, the brief itself need not be filed.

(ii) Failure to comply with the briefing schedule may result in the denial of oral argument or such other sanctions as are appropriate.

[Pa.B. Doc. No. 04-1191. Filed for public inspection July 2, 2004, 9:00 a.m.]

**NORTHUMBERLAND COUNTY**

**Adoption of Local Rules; Misc. Doc. No. Misc. CV86-1958**

**Order**

And Now, this 22nd day of June, 2004, the Court hereby adopts the following Northumberland County Local Rules of Civil Procedure, to be effective thirty (30) days after publication in the *Pennsylvania Bulletin*.

It is further Ordered that the District Court Administrator shall file seven (7) certified copies of these Rules with the Administrative Office of Pennsylvania Courts, two (2) copies to the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*, one (1) certified copy to the Civil Rules Committee and one (1) copy to the *Northumberland County Legal Journal* for publication in the *Northumberland County Legal Journal*.

It is further Ordered that this local rule shall be kept continuously available for public inspection and copying in the Prothonotary's Office.

By the Court

ROBERT B. SACAVAGE,  
*President Judge*

**Northumberland County  
Local Rules of Court  
Rules of Civil Procedure**

**Northum.L.R. 205.2(a). Physical Characteristics of Pleadings and Other Legal Papers**

(1) All papers to be filed shall be prepared on letter size paper, double spaced, margins not less than 3/4" on the left side and 1/4" on the right side of the paper, and single-sided.

(2) The first page shall contain a 3" space from the top of the page for all stampings, filing notices and notations. Beginning at the left-hand margin 3" from the top of the page, the attorney name, attorney identification number, firm name, address and telephone number shall appear in that order. It must state the designation of the party being represented, i.e. "Attorney for Plaintiff" or "Attorney for Defendant [name]." The case caption shall follow with the number appearing on the right side.

(3) Any change of address shall be promptly filed on a separate paper entitled "Notice of Change of Address."

(4) Any proposed orders shall be separately attached, except a proposed rule to show cause or order for hearing which shall be attached as the first page after any cover sheet required by Northum. L. R. 205.2(b).

**Northum.L.R. 205.2(b). Cover Sheet Form**

(1) A civil cover sheet in the form set forth herein shall be attached to any legal paper such as a petition or motion that requires a hearing or argument date, for purposes of scheduling by the Court Administrator's office.

(2) The form of the civil cover sheet is as follows:

**CIVIL COVER SHEET**

(ALL ITEMS MUST BE COMPLETED)

1. CAPTION AND CASE NUMBER:

\_\_\_\_\_ vs. CASE NO. \_\_\_\_\_  
\_\_\_\_\_

2. ATTORNEY FOR EACH PARTY (with address) (if none, please indicate and list address for service of the notice)

Plaintiff: \_\_\_\_\_

Defendant: \_\_\_\_\_

Other: \_\_\_\_\_

3. Has any matter in this case or a companion case been before a Judge? Yes \_\_\_\_\_ No \_\_\_\_\_

a. If yes, please provide the Judge's name: \_\_\_\_\_

b. Nature of prior matter: \_\_\_\_\_

4. How much time is required before the Court? (You WILL BE limited to the time requested!)

5. (a) Has concurrence been sought? Yes \_\_\_\_\_ No \_\_\_\_\_  
Why not? \_\_\_\_\_

(b) Was concurrence obtained? Yes \_\_\_\_\_ No \_\_\_\_\_

6. How much NOTICE must be given prior to the Hearing? \_\_\_\_\_

7. Are there any other scheduled dates or matters pending before the Court?

(a) If yes, when? \_\_\_\_\_

8. Please list any dates you are not available for Court! Continuances WILL NOT be granted except for extraordinary circumstances:

\_\_\_\_\_  
\_\_\_\_\_

\*\*\*\*\*

**TO BE FILLED OUT BY THE COURT  
ADMINISTRATOR**

DATE SET: \_\_\_\_\_ TIME: \_\_\_\_\_

JUDGE: \_\_\_\_\_ SCHEDULING OFFICER: \_\_\_\_\_

**Northumb.L.R. 206.1(a). Petitions.**

(1) A petition is a request which seeks relief ancillary to a given cause of action and which avers facts not of record.

(2) The designated applications which are to proceed in the manner of a petition under Pa.R.C.P. No. 206.1 et seq. would be any application for relief other than a motion and not otherwise covered by these rules, for which a rule to show cause is typically issued.

**Northum.L.R. 206.4(c). Issuance of a Rule to Show Cause. (Discretionary Issuance)**

(1) A petitioner seeking the issuance of a rule to show cause shall follow Pa.R.C.P. 206.5 (discretionary issuance), including the requirement of notice to all other parties of the intention to request the court to issue the rule, by filing a certificate of service of such notice.

(2) The petition shall set forth a citation to applicable legal authority being asserted as the basis for the requested relief.

(3) The request for the issuance of the rule shall be reviewed by the court as to whether it is properly pleaded, and states prima facie grounds for relief. In the event a rule is not initially issued, briefing or argument will be established by order of court, with notice provided by the Court Administrator's office.

(4) Every petition under Pa.R.C.P. 206.1(a) shall include as the first page after any cover sheet required by Northum.L.R. 295.2(b) a proposed rule to show cause in the following form:

Caption

ORDER

AND NOW, this \_\_\_\_ day of \_\_\_\_\_, 200 \_\_, upon consideration of the foregoing petition, it is hereby ordered that:

(1) a rule is issued upon the respondent to show cause why the petitioner is not entitled to the relief requested;

(2) the respondent shall file an answer to the petition within \_\_\_\_\_ days of this date;

(3) the petition shall be decided under Pa.R.C.P. No. 206.7;

(4) an evidentiary hearing on disputed issues of material facts shall be held on the \_\_\_\_\_ day of \_\_\_\_\_, 200 \_\_, at \_\_\_\_ o'clock, \_\_\_\_ .m., in Courtroom No. \_\_\_\_\_ of the Northumberland County Courthouse, 201 Market Street, Sunbury, Pennsylvania.

(5) Notice of the entry of this order shall be provided to all parties by the petitioner, and a certificate of service filed.

BY THE COURT:

\_\_\_\_\_  
J.

(5) All petitions and other applications addressed to the Court shall be filed with the Prothonotary, who shall promptly file-stamp same and make a brief docket entry. At least one (1) copy of each such document and proposed order shall be presented to the Prothonotary with the original, which shall be retained by the Prothonotary while the original document is forwarded for consideration by the Court. The Prothonotary shall thereafter forward such original documents and any supporting papers and proposed orders to the Court Administrator for transmittal to the Court. Any such papers needing prompt court attention, after filing as noted above, may be forwarded immediately to the Court Administrator by the attorney filing such papers.

The Court Administrator, following consideration and disposition of the document by the Court, shall contact the counsel of record for the moving party advising of the action taken by the Court.

(6) The petition must be accompanied at the time of filing with stamped, addressed envelopes for each attorney of record and unrepresented party along with sufficient copies of the petition and proposed rule to show cause or other proposed order for each of them.

(7) A party may request oral argument as to any petition and answer by promptly filing a praecipe for argument.

**Northum.L.R. 208.2(c). Motion to Include Statement of Applicable Authority**

All motions, except continuances or scheduling matters, must include a brief statement of the applicable authority by citation to a statute, rule of court or other authority being asserted as the basis for the requested relief.

**Northumb.L.R. 208.2(d). Certification of Uncontested Motions.**

If counsel for the moving party determines that a motion is uncontested by all parties involved in the case, counsel shall file a certification that the motion is uncontested, and provide a proposed order.

**Northum.L.R. 208.2(e). Certification in Discovery Motion of Attempt to Resolve.**

A motion relating to discovery must include a certification by counsel for the moving party that an attempt was made by reasonable effort to resolve the matter.

**Northum.L.R. 210. Briefs.**

(1) The brief of the moving party shall set forth the procedural history, the relevant facts, the questions involved, argument and conclusion.

(2) The response brief need only contain argument and conclusion. If a counter statement of the facts or the questions involved is not set forth, the statements of the moving party shall be deemed adopted.

(3) Briefs shall be submitted on 8 1/2 × 11 inch paper and shall be double spaced.

(4) Briefs are to be submitted in duplicate to the Court Administrator directly, and not filed with the Prothonotary.

(5) The moving party shall submit a brief fourteen (14) days before the date set for argument. The response brief is due seven (7) days after receipt of the moving party's brief, but no later than three (3) days before argument.

**Northum.L.R. 1028(c). Preliminary Objections. Procedure.**

(1) All preliminary objections shall be accompanied by a proposed order. A brief is not required at the time of filing the preliminary objections.

(2) After twenty (20) days from service of the preliminary objections, if an amended pleading has not been filed, any party may file a praecipe with the Prothonotary to place the preliminary objections on the argument list. Subsequently, a briefing schedule and assignment to a judge will be issued by the Court Administrator.

(3) Any party filing preliminary objections pursuant to Pa. R.C.P. No. 1028(a)(1), (5) or (6) shall attach a notice to plead. Such objections are governed by Northumb. L.R. 206.4(c).

**Northum.L.R. 1034(a). Motion for Judgment on the Pleadings. Procedure.**

Upon filing a motion for judgment on the pleadings, the moving party shall also file a praecipe with the Prothonotary to place such motion on the argument list. Subsequently, a briefing schedule and assignment to a judge will be issued by the Court Administrator.

**Northum.L.J. 1035.2(a). Motion for Summary Judgment. Procedure.**

(1) After thirty (30) days from service of the motion for summary judgment, any party may file a praecipe with the Prothonotary to place the matter on the argument list.

(2) If a response is filed where any party demands discovery, the parties shall complete such discovery within sixty (60) days, unless otherwise directed by the Court, and thereafter a praecipe may be filed for placement on the argument list.

(3) Subsequently, a briefing schedule and assignment to a judge will be issued by the Court Administrator.

**Northum.L.R. 208.3(b). Responses to Motions.**

(1) Any response to a motion shall be filed within twenty (20) days after service of the motion, unless the time for filing the response is modified by court order.

(2) A brief need not be filed with a response.

(3) Any party may file a praecipe with the Prothonotary to place the matter on the argument list. Subsequently, a briefing schedule and assignment to a judge will be issued by the Court Administrator.

[Pa.B. Doc. No. 04-1192. Filed for public inspection July 2, 2004, 9:00 a.m.]

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**SCHUYLKILL COUNTY**  
**Amended Civil Rules of Procedure**

**Order of Court**

*And Now*, this 16th day of June, 2004, at 11:30 a.m., Schuylkill County Civil Rules of Procedure are amended/adopted for use in the Court of Common Pleas of Schuylkill County, Pennsylvania, Twenty-First Judicial District, Commonwealth of Pennsylvania, effective July 24, 2004 pursuant to PA. R.C.P. 239.8.

The Prothonotary of Schuylkill County is Ordered and Directed to do the following:

- 1) File ten (10) certified copies of this Order and Rule with the Administrative Office of Pennsylvania Courts.
- 2) File two (2) certified copies of this Order and Rule with the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin* together with a diskette reflecting the text in the hard copy version.
- 3) File one (1) certified copy of this Order and Rule with the Pennsylvania Civil Procedural Rules Committee.
- 4) Forward one (1) copy to the Schuylkill County Law Library for publication in the *Schuylkill Legal Record*.
- 5) Keep continuously available for public inspection copies of this Order and Rule.

It is further *Ordered* that said rules as then existed prior to the amendment is hereby repealed and annulled on the effective date of said rules as amended/adopted, but no right acquired thereunder shall be disturbed.

*By the Court*

WILLIAM E. BALDWIN,  
*President Judge*

**Rule 205.1. Custody of Papers.**

(a) All papers relating to civil matters shall be filed in the Office of the Prothonotary, with the exception of support matters which shall be filed with the Domestic Relations Section in accordance with appropriate statutes, Pennsylvania Rules of Civil Procedure, and these rules, with a case number and year thereon and the date and hour of filing to be stamped thereon by the Prothonotary or Clerk of the Domestic Relations Section.

(b) Upon receipt by the Prothonotary of the record of a case transferred from another judicial district, the Prothonotary shall assign a case number and year to the action and shall notify all counsel of record thereof.

(c) Prepayment of costs for filing. The Prothonotary, Clerk of Court of Common Pleas, Register of Wills, Clerk of the Orphans' Court Division, Clerk of the Domestic Relations Section, and the Recorder of Deeds shall have the right to require payment for the filing, recording, or service of a paper or pleading at the time same is filed and, if said officer is unable to determine in advance the amount so required, he shall have a right to require a

reasonable sum as a deposit against the costs for filing, recording, or service of a paper or pleading at the time same is filed.

(d) The record papers in the Office of the Prothonotary and Domestic Relations Section shall be in the custody of said officials who shall be responsible for their safekeeping. No person, other than the prothonotary or the Chief of the Domestic Relations Section, or their duly authorized clerks, shall have access to the files in which such record papers are kept.

(e) Auditors, masters, and other similar officers appointed by the Court shall have authority to remove such records as may be necessary for the purposes of their appointment, and they shall return the same within three (3) months unless the Court authorizes their longer retention.

(f) None other than those named in (e) shall be permitted to remove the papers from the Office of the Prothonotary or Domestic Relations Section without a written Order of Court. It shall be the duty of the Prothonotary and the Chief of the Domestic Relations Section to insure full compliance with this rule.

(g) The record papers may be examined and copied by any other party in interest only in the office of the Prothonotary or Domestic Relations Section. However, the original transcript of testimony may not be photocopied.

(h) The Prothonotary shall keep and maintain the following dockets:

- (1) Suit Docket
- (2) Judgment Docket
- (3) Federal Tax Lien Docket
- (4) Secured Transaction Docket
- (5) Fictitious Names Docket

**Rule 205.2. Filing Legal Papers. Praecipe to Transmit**

(a) All papers, pleadings, and documents filed with the Prothonotary and Domestic Relations Section shall be on 8 1/2 × 11 inch paper, and where signatures are required, such signatures shall be in black or blue-black ink.

(b) All filings which require action by a judge or an assignment by the Court Administrator shall be accompanied by a praecipe to transmit on Prothonotary Form 205.2(b), and shall indicate the nature of the filing and what action is being sought to move the matter forward. The purpose of the praecipe is to advise the Court of what may be necessary for a disposition (i.e. when a hearing is required; when a matter is ripe for disposition on the record; matters that can be immediately addressed) and to expedite action on the filing. When a non-jury trial or a hearing involving witnesses is being requested, then the moving party shall list the witnesses to be presented and include an estimate as to the time required to present the case. In matters requiring a non-jury trial or hearing, opposing counsel is required to submit a report in WRITING to the Court Administrator within ten (10) days of the moving party's filing of the praecipe to transmit, (1) listing the names of the witnesses they will use at trial or hearing; and (2) an estimate of time required to present their case. Failure to file the praecipe to transmit or to indicate what action is required from the Court may result in denial of the relief sought. Failure to list witnesses may result in the preclusion of their testimony.

FORM OF PRAECIPE TO TRANSMIT.

Pursuant to this Rule, the Praecipe to Transmit shall be in the following form:

(CAPTION)

PRAECIPE FOR CERTIFICATION—PROTHONOTARY FORM 205.2(b)

TO: THE PROTHONOTARY: Transmit the attached filing to the Court Administrator for Assignment to a Judge. The nature of the filing and requested action is as follows:

\_\_\_\_\_ Jury Trial—(Complete Certificate of Readiness)

\_\_\_\_\_ Non-Jury Trial—  
Any matter dispositive of the case e.g.:  
( ) Equity Actions; ( ) Tax Appeals; ( ) Summary Appeals;  
( ) Name Change Actions; ( ) Permanent Injunctions;  
( ) Other \_\_\_\_\_ (specify)

I estimate it will require \_\_\_\_\_ hours to present the plaintiff's/defendant's case and I will present only the following witnesses for testimony:  
\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_ Petition pursuant to Pa.R.C.P. 206.1 requesting  
( ) Issuance of Rule to Show Cause; ( ) Transfer to Court for disposition, no answer having been filed; ( ) Transfer to Court for disposition, contested matter and fact finding complete or unnecessary;  
( ) Other \_\_\_\_\_ (specify)

Issue that can be decided on the record and briefs, being: ( ) Gov't Appeal; ( ) Exceptions; ( ) Judgment on the Pleadings; ( ) Summary Judgment;  
( ) Other \_\_\_\_\_ (specify)

Issue that can be assigned for immediate actions, being: ( ) Stipulation; ( ) Uncontested Motion; ( ) Motion for Appointment; ( ) Quiet Title Motion;  
( ) Other \_\_\_\_\_ (specify)

\_\_\_\_\_ Contested Motion (Memo Attached), being:  
( ) Discovery Motion;  
( ) Other \_\_\_\_\_ (specify)

\_\_\_\_\_ ( ) Transmit to Custody Officer. Reason: \_\_\_\_\_  
(If hearing is required, complete the time and witness portion of this form).

\_\_\_\_\_ Hearing required/requested: Reason for Hearing: \_\_\_\_\_  
( ) Special Relief; ( ) Contempt Petition;  
( ) Preliminary Injunctions;  
( ) Other \_\_\_\_\_ (specify)

I estimate it will require \_\_\_\_\_ hours to present the plaintiff's/defendant's case and I will present only the following witnesses for testimony:  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_  
Attorney for Plaintiffs

Date: \_\_\_\_\_

For Defendant: \_\_\_\_\_

For Plaintiff: \_\_\_\_\_

Notice: In matters requiring a non-jury trial or hearing opposing counsel is required to submit a report in WRITING to the Court Administrator within 10 days, (1) listing the names of the witnesses they will use at the hearing; and (2) an estimate of the time required to present their case.

**Rule 206.1. Petitions.**

(a) As used in this chapter, "petition" includes an application:

- (1) to open a default judgment, or
- (2) to open a judgment of non pros.

(b) Petition and answer practice shall comport with Pa.R.C.P. 206.1 and 206.2 and the rule provisions of Sch.R.C.P. 1019 setting forth the authority on which the Petition is based.

**Rule 206.4(c). Rule to Show Cause.**

(1) A rule to show cause shall issue as a matter of course pursuant to Pa.R.C.P. 206.6

(2) Each petition seeking issuance of a rule to show cause shall be accompanied by a praecipe to transmit pursuant to Sch.R.C.P. 205.2(b). Upon filing, an Order in the form set forth in Sch.R.C.P. 206.6 shall be issued as of course and the parties shall thereafter proceed pursuant to the provisions of Pa.R.C.P. 206.7 and Sch.R.C.P. 206.7.

**Rule 206.6. Form of Order.**

Pursuant to this rule the petitioner shall attach to any petition seeking a rule to show cause a proposed order and the following form:

(CAPTION)

ORDER

AND NOW, this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, upon consideration of the foregoing petition, it is hereby DIRECTED that:

(1) A rule is issued upon the respondent to show cause why the petitioner is not entitled to he relief requested;

(2) The respondent shall file an answer to the petition within twenty (20) days of service upon the respondent;

(3) The petition shall be decided under Pa.R.C.P. No. 206.7;

(4) Depositions shall be completed within 60 days of this date unless otherwise extended by the Court;

(5) Either party may request oral argument pursuant to Sch.R.C.P. 206.7(d); and

(6) Notice of the entry of this order shall be provided to all parties by the petitioner.

BY THE COURT,

\_\_\_\_\_ J.

**Rule 206.7. Procedure After Issuance of Rule to Show Cause.**

(a) In the event the respondent fails to file an answer to the rule within the time set forth in the rule, the movant may request to have the matter assigned to the Court for entry of an appropriate order by praecipe to transmit pursuant to Sch.R.C.P. 205.2(b).

(b) If the defendant files an answer to a disputed rule raising no issue of material fact, either party may request

to have the matter assigned to the Court for entry of an appropriate order by filing a Praeceptum to Transmit pursuant to Sch.R.C.P. 205.2(b).

(c) When a contested case is at issue, and the parties have complied with the fact finding provisions of Pa.R.C.P. 206.7(c) and 206.7(d), where applicable, either party may move to have the matter assigned to the Court for disposition by praecipe pursuant to Sch.R.C.P. 205.2(b).

(d) In cases where an answer has been filed, each party shall file of record a brief in support of their respective position within twenty (20) days of the date of filing the praecipe to transmit the matter to the Court for disposition. Unless otherwise requested, contested petitions shall be decided upon the record. Either party may request oral argument by filing a written request for oral argument with the Court Administrator of Schuylkill County.

**Rule 208.1. Motion. Definition.**

(a) All motions or petitions for appointment, and all miscellaneous matters shall be governed by this Rule, 208.1 et seq.

**Rule 208.2. Motion. Form.**

(c) All motions shall state with particularity the grounds on which they are based, and each shall be accompanied by a form of order which, if approved by the Court, would grant the relief sought by the motion. Every response in opposition to a motion shall be accompanied by a form of order, which, if approved by the Court, would deny or amend the relief sought by the motion.

(d) Every uncontested motion shall be accompanied by a certificate of counsel that such motion is uncontested, substantially in the following form:

(CAPTION)

CERTIFICATION

\_\_\_\_\_ hereby certifies that a copy of the attached petition/motion was served upon the party listed below, in the manner and date set forth, and that the undersigned has received an affirmative response from that party indicating that the petition/motion is not opposed.

Date served: \_\_\_\_\_ Served upon: \_\_\_\_\_  
(Name)

Manner of Service: \_\_\_\_\_  
(address)

\_\_\_\_\_  
(signature)

(e) A party may, with respect to discovery-related issues, file a motion for scheduling conference with the Court when the party is unable to coordinate the scheduling of depositions or other discovery despite reasonable and good faith efforts to do so. The motion for scheduling conference should state in specific detail the efforts which counsel has made to schedule discovery and otherwise complete discovery. Upon addressing a motion for scheduling conference and any response thereto, the Court may hold a hearing or scheduling conference at its discretion.

**Rule 208.3. Motion Procedure.**

(a) An original and one copy of all motions or filings pursuant to this provision, together with a praecipe to transmit as set forth in Sch.R.C.P. 205.2(b), shall be filed with the Prothonotary, which office shall transmit the pleadings to the Court Administrator for assignment to a

Judge for disposition. The praecipe must indicate the nature of the action requested of the Court to move the matter forward.

(1) Motions for final judgment in quiet title actions, where service was made by publication, shall contain a certificate of publication indicating the dates and sources of such publication.

(2) Any interested party may make a written request for oral argument on a motion. The Court may require oral argument whether or not requested by a party.

(3) This Rule does not apply to matters set forth in Pa.R.C.P. 208.1(b)(1) and (b)(2).

(b) Every motion not certified as uncontested shall be accompanied by a memorandum containing a concise statement of the legal contentions and authorities relied upon in support of the motion and an affidavit of service upon the party against whom relief is sought, or to his attorney. Any party opposing the motion shall file and serve such answer or other response that may be appropriate, a memorandum in opposition, and an affidavit of service upon the other party within twenty (20) days after service of the originating motion and supporting brief, unless the Pennsylvania Rules of Civil Procedure mandate a period of time different than twenty (20) days. In the absence of a timely response, the motion may be treated as uncontested. The Court may require or permit further briefing, if appropriate.

**Rule 1028(c). Preliminary Objections**

(1) All preliminary objections will be disposed of by one Judge on behalf of the Court, unless such objections are certified by the Judge to be of sufficient importance to require disposition by the Court en banc.

(2) Preliminary objections shall be accompanied by a memorandum of law in support of the objections. A certification of service thereof upon opposing counsel shall be filed within 10 days after the filing of the preliminary objections.

(3) Respondent's memorandum of law contra the preliminary objections shall be filed within twenty (20) days after service of the brief of the moving party, and shall contain a certification of service upon the moving party.

(4) When the date for the filing of respondent's memorandum has passed, the Prothonotary shall deliver the preliminary objections, memorandum of law, and other file papers to the Court Administrator. The Judge to whom the preliminary objections are assigned may, if requested, set the matter for oral argument, or may dispose of the objections on the briefs submitted.

(5) Preliminary objections filed in domestic relations and paternity cases shall not be cause for delay in hearing or interviews scheduled by the Domestic Relations Office. Such objections will be determined by the Court when and if hearings before a Judge and/or a jury are required for adjudication of the issues involved in the petition or complaint. Defendant's brief will be filed with the objections and plaintiff's brief shall be filed 3 days before any scheduled hearing.

(6) In the event disposition of a preliminary objection requires fact finding, the filing party shall accompany the preliminary objections with a praecipe to transmit pursuant to Sch.R.C.P. 205.2(b), specifying that a hearing is required and the reasons the hearing is necessary.

**Rule 1034. Motion for Judgment on the Pleadings.**

(a) A motion for judgment on the pleadings shall be accompanied by a praecipe to transmit pursuant to



Sch.R.C.P. 205.2(b) indicating that the matter can be disposed of on the record and shall further be accompanied by the brief of the moving party. The answer and brief of any opposing party shall be filed within twenty (20) days from the date of service of the original motion.

**Rule 1035.2. Motion for Summary Judgment.**

(a) A motion for summary judgment shall be accompanied by a praecipe to transmit pursuant to Sch.R.C.P. 205.2(b) indicating that the matter can be disposed of on the record and shall further be accompanied by the brief of the moving party. The answer and brief of any opposing party shall be filed within thirty (30) days after service of the original motion.

**Effects of the Changes on Other SCH.R.C.P. Rules:**

Rule 14 (B)(3) = Changes 206 to 208.3

Rule 14 (D)(2) = Changes 205.3 to 205.2(b); changes 206A to 208.1 et seq.; changes 205.3 to 205.2(b).

Rule 301(b) = Changes 205.3 to 205.2(b)

Rule 1513 = Changes 205.3 to 205.2(b)

Rule 1920.55 (h)(7) = Changes 205.3 to 205.2(b).

Rule 2039 (b) = Changes 205.3 to 205.2(b)

Rule 2959 = Changes 205.3 to 205.2(b); changes 205.3 to 205.2(b).

\*\*\*\* Also, changed Rule 212.1 (d) from "tow" to "two"; and Rule "1920.55" to "1920.55-2."

[Pa.B. Doc. No. 04-1193. Filed for public inspection July 2, 2004, 9:00 a.m.]

# RULES AND REGULATIONS

## Title 49—PROFESSIONAL AND VOCATIONAL STANDARDS

### STATE BOARD OF VEHICLE MANUFACTURERS, DEALERS AND SALESPERSONS

[49 PA. CODE CH. 19]

#### Emergency Vehicles

The State Board of Vehicle Manufacturers, Dealers and Salespersons (Board) amends § 19.18 (relating to established place of business for dealers).

#### *Description and Need for Final-Form Rulemaking*

Section 19.18(3)(i) requires licensed dealers to maintain a display area large enough to display five vehicles of the type normally sold at that dealership. This final-form rulemaking exempts licensed vehicle dealers who sell only new firefighting or other emergency services vehicles from the minimum display area requirement of § 19.18(3)(i).

#### *Summary of Comments and Responses to Proposed Rulemaking*

The Board published notice of proposed rulemaking at 33 Pa.B. 4687 (September 20, 2003) with a 30-day public comment period. The Board did not receive any comments from the public. The Board did not receive comments from the Independent Regulatory Review Commission (IRRC), the House Professional Licensure Committee or the Senate Consumer Protection and Professional Licensure Committee as part of their review of proposed rulemaking under the Regulatory Review Act (71 P. S. §§ 745.1—745.12).

#### *Fiscal Impact and Paperwork Requirements*

The final-form rulemaking will have no adverse fiscal impact on the Commonwealth or its political subdivisions and will impose no additional paperwork requirements upon the Commonwealth, political subdivisions or the private sector.

#### *Effective Date*

The final-form rulemaking will become effective upon publication in the *Pennsylvania Bulletin*.

#### *Statutory Authority*

The rulemaking is promulgated under section 4(a)(9) of the Board of Vehicles Act (63 P. S. § 818.4(a)(9)).

#### *Regulatory Review*

Under section 5(a) of the Regulatory Review Act (71 P. S. § 745.5(a)), on September 9, 2003, the Board submitted a copy of the notice of proposed rulemaking, published at 33 Pa.B. 4687, to IRRC and the Chairpersons of the House Professional Licensure Committee and the Senate Consumer Protection and Professional Licensure Committee for review and comment.

Under section 5(c) of the Regulatory Review Act, IRRC and the Committees were provided with copies of the comments received during the public comment period, as well as other documents when requested. In preparing the final-form rulemaking, the Department has considered all comments from IRRC, the House and Senate Committees and the public.

Under section 5.1(j.2) of the Regulatory Review Act (71 P. S. § 745.5a(j.2)), on May 11, 2004, the final-form rulemaking was approved by the House and Senate Committees. Under section 5(g) of the Regulatory Review Act, the amendment was deemed approved by IRRC, effective May 26, 2004.

#### *Additional Information*

Persons who require additional information about the final-form rulemaking should submit inquiries to Teresa Woodall, Board Administrator, State Board of Vehicle Manufacturers, Dealers and Salespersons, P. O. Box 2649, Harrisburg, PA 17105-2649, (717) 783-1697, ra-st-vehicle@state.pa.us.

#### *Findings*

The Board finds that:

(1) Public notice of proposed rulemaking was given under sections 201 and 202 of the act of July 31, 1968 (P. L. 769, No. 240) (45 P. S. §§ 1201 and 1202) and the rulemaking promulgated thereunder, 1 Pa. Code §§ 7.1 and 7.2.

(2) A public comment period was provided as required by law.

(3) The final-form rulemaking adopted by this order is necessary and appropriate for the administration of the Board.

#### *Order*

The Board, acting under its authorizing statute, orders that:

(a) The regulations of the Board, 49 Pa. Code Chapter 19, are amended by amending § 19.18 to read as set forth at 33 Pa.B. 4687.

(b) The Board shall submit this order and 33 Pa.B. 4687 to the Office of Attorney General and the Office of General Counsel for approval as required by law.

(c) The Board shall certify this order and 33 Pa.B. 4687 and deposit them with the Legislative Reference Bureau as required by law.

(d) The final-form rulemaking shall take effect upon publication in the *Pennsylvania Bulletin*.

EDWIN K. GALBREATH, Jr.,

*Chairperson*

*(Editor's Note:* For the text of the order of the Independent Regulatory Review Commission, relating to this document, see 34 Pa.B. 3078 (June 12, 2004).)

**Fiscal Note:** Fiscal Note 16A-606 remains valid for the final adoption of the subject regulation.

[Pa.B. Doc. No. 04-1194. Filed for public inspection July 2, 2004, 9:00 a.m.]

# PROPOSED RULEMAKING

## GAME COMMISSION

[58 PA. CODE CHS. 147]  
Special Permits

To effectively manage the wildlife resources of this Commonwealth, the Game Commission (Commission), at its April 20, 2004, meeting, proposed the following rule-making:

Amend § 147.286 (relating to acquisition and disposal) to restrict disposal or transfer of wildlife only to persons who lawfully conduct activities under the authority of a permit to lawfully import the wildlife being transferred.

The proposed rulemaking will have no adverse impact on the wildlife resources of this Commonwealth.

The authority for the proposed rulemaking is 34 Pa.C.S. (relating to Game and Wildlife Code) (code).

The proposed rulemaking was made public at the April 20, 2004, meeting of the Commission. Comments can be sent until June 21, 2004, to the Director, Information and Education, Game Commission, 2001 Elmerton Avenue, Harrisburg, PA 17110-9797.

### 1. Introduction

The Commission is proposing to amend § 147.286 to restrict disposal or transfer of wildlife only to persons who lawfully conduct activities under the authority of a permit to lawfully import the wildlife being transferred.

### 2. Purpose and Authority

With the current requirements in place through statute and regulations relative to importing, licensing and experience needed to receive a permit to possess wildlife, the Commission has identified a need to clarify to whom a permitted menagerie can transfer excess stock. The Commission determined that disposal or transfer of wildlife, for any reason, shall be limited to persons who lawfully conduct activities under the authority of a permit to lawfully import the wildlife being transferred. This would prohibit the disposal or transfer of wildlife to unpermitted private parties.

Section 2901(b) of the code (relating to authority to issue permits) provides that "the commission may, as deemed necessary to properly manage the game or wildlife resources . . . promulgate regulations to control the activities which may be performed under authority of any permit issued." Section 2102(c) of the code (relating to regulations) directs that "The commission shall promulgate regulations concerning the transportation, introduction into the wild, importation, exportation, sale, offering for sale or purchase of game or wildlife or the disturbing of game or wildlife in their natural habitat." Section 2102(a) of the code provides that "The commission shall promulgate such regulations as it deems necessary and appropriate concerning game or wildlife . . . in this Commonwealth, including regulations relating to the protection, preservation and management of game or wildlife . . . in this Commonwealth." The amendment to § 147.286 is proposed under this authority.

### 3. Regulatory Requirements

The proposed rulemaking will restrict the disposal or transfer of wildlife for any reason only to persons who may themselves lawfully import the wildlife being trans-

ferred. This will prohibit the disposal or transfer of wildlife to an unpermitted private party.

### 4. Persons Affected

Persons who wish to transfer or dispose of wildlife held under a menagerie permit will be affected by the proposed rulemaking.

### 5. Cost and Paperwork Requirements

The proposed rulemaking should not result in additional cost or paperwork.

### 6. Effective Date

The proposed rulemaking will be effective on final-form publication in the *Pennsylvania Bulletin* and will remain in effect until changed by the Commission.

### 7. Contact Person

For further information regarding the proposed rulemaking, contact Michael A. Dubaich, Director, Bureau of Law Enforcement, 2001 Elmerton Avenue, Harrisburg, PA 17110-9797, (717) 783-6526.

VERNON R. ROSS,  
*Executive Director*

**Fiscal Note:** 48-190. No fiscal impact; (8) recommends adoption.

**Annex A**  
**TITLE 58. RECREATION**  
**PART III. GAME COMMISSION**  
**CHAPTER 147. SPECIAL PERMITS**  
**Subchapter O. MENAGERIES**

**§ 147.286. Acquisition and disposal.**

\* \* \* \* \*

(b) The acquisition or disposal of wildlife shall be for the sole purpose of maintaining stock for the menagerie. **Disposal or transfer for any reason is limited to persons who may lawfully import the wildlife being transferred.**

\* \* \* \* \*

[Pa.B. Doc. No. 04-1195. Filed for public inspection July 2, 2004, 9:00 a.m.]

## LIQUOR CONTROL BOARD

[ 40 PA. CODE CH. 1, 3, 5, 7, 9, 11, 13 AND 15 ]

### Revisions to Codify Practices and Procedures Resulting from Legislative Amendments

The Liquor Control Board (Board), under the authority of section 207(i) of the Liquor Code (47 P.S. § 2-207(i)), proposes to amend Chapters 1, 3, 5, 7, 9, 11, 13 and 15.

#### Summary

The proposed rulemaking codifies numerous practices and procedures of the Board and further explains various legislative changes to the Liquor Code (47 P.S. §§ 1-101—8-803). The following list summarizes the proposed rulemaking:

- It defines what may be considered when evaluating a person's reputation.
- It explains seating requirements for licensed retail establishments.
- It explains the issuance of a certificate of approval, a letter of authority and who must execute a certificate of completion for licensing and the consequences for failing to do so.
- It states the recordkeeping requirements for alternate brewers' licenses and explains brewery pubs' privileges and requirements.
- It states requirements for issuing economic development licenses.
- It sets forth whom licensees may employ and who may be appointed as manager in accordance with the Liquor Code.
- It defines sweepstakes and who may sponsor sweepstakes promotions.
- It eliminates the prohibition of a stage on the licensed premises where entertainment could be seen outside the premises.
- It fully explains how municipalities may petition the Board for exemption from the Board's regulations on noise.
- It eliminates the prohibition on selling or furnishing lunch below cost.
- It explains how clubs and catering clubs may exchange their licenses.
- It explains that a licensee may request a hearing when the licensee cannot comply with a prior approval for reasons beyond the licensee's control.
- It explains how to convert a suspension to a fine.
- It sets forth the requirements for a temporary extension of license.
- It sets the maximum period for safekeeping of retail licenses, except clubs, to 3 years per the Liquor Code.
- It fully explains sheriff's sales of liquor licenses.
- It defines procedures for intermunicipal transfers of retail licenses.
- It regulates Internet wine sales.
- It replaces vehicle identification emblems with cards for vehicles hauling alcoholic beverages.
- It increases the number of authorized agents who may purchase liquor on behalf of licensees from two to four.
- It eliminates prohibitions on cooperative advertising and the requirement for prior Board approval for point-of-sale and advertising novelties.
- It explains advertising by manufacturers on distributor trucks.
- It clarifies limits on bar spending/free drinks.
- It defines discount pricing practices.
- It regulates tasting events on licensed premises and in Wine and Spirits Stores.
- It sets forth conditions on providing free samples.

#### *Affected Parties*

The proposed rulemaking will affect Internet wine purchasers and sellers, retail and wholesale licensees and applicants for licenses issued by the Board.

#### *Paperwork Requirements*

The proposed rulemaking will not significantly increase paperwork for the Board or the regulated community. In several cases, existing paperwork will be eliminated.

#### *Fiscal Impact*

Because the proposed rulemaking primarily codifies and organizes existing practices or obligations under the Liquor Code, it will not have a fiscal impact on the licensees of the Board or applicants for licenses, the Commonwealth or its subdivisions.

#### *Effective Date*

The proposed rulemaking will become effective upon final-form publication in the *Pennsylvania Bulletin*.

#### *Regulatory Review*

Under section 5(a) of the Regulatory Review Act (71 P. S. § 745.5(a)), on June 18, 2004, the Board submitted a copy of this proposed rulemaking and a copy of a Regulatory Analysis Form to the Independent Regulatory Review Commission (IRRC) and to the Chairpersons of the House Liquor Control Committee and Senate Committee on Law and Justice. A copy of this material is available to the public upon request.

Under section 5(g) of the Regulatory Review Act, IRRC may convey any comments, recommendations or objections to the proposed rulemaking within 30 days of the close of the public comment period. The comments, recommendations or objections shall specify the regulatory review criteria which have not been met. The Regulatory Review Act specifies detailed procedures for review, prior to final publication of the rulemaking, by the Board, the General Assembly and the Governor of comments, recommendations or objections raised.

#### *Public Comment/Contact Person*

Written comments, suggestions or objections will be accepted for 30 days after publication of the proposed rulemaking in the *Pennsylvania Bulletin*. Comments should be sent to James Maher, Office of Chief Counsel, Liquor Control Board, Room 401, Northwest Office Building, Harrisburg, PA 17124-0001.

JONATHAN H. NEWMAN,  
*Chairperson*

**Fiscal Note:** 54-59. No fiscal impact; (8) recommends adoption.

#### **Annex A**

#### **TITLE 40. LIQUOR**

#### **PART I. LIQUOR CONTROL BOARD**

#### **CHAPTER 1. GENERAL PROVISIONS**

#### **§ 1.5. Reputation: Use of criminal and citation history.**

**When considering whether a person is reputable or the repute of a person under any section of the Liquor Code or this title, the Board may consider whether that person has been convicted of any crimes including misdemeanors and felonies, the person's history regarding licenses issued by the Board, including the citation history of the licenses, and any other factor the Board deems appropriate.**

#### **CHAPTER 3. LICENSE APPLICATIONS**

#### **Subchapter A. GENERAL PROVISIONS**

#### **§ 3.1. Definitions.**

The following words and terms, when used in this chapter, have the following meanings, unless the context clearly indicates otherwise:

\* \* \* \* \*

**Bar/counter**—A smooth flat surface affixed to the premises on which drinks and food are served.

**Bench**—A long seat for more than one person.

**Booth**—A table usually surrounded by one or two benches, serving as partitions.

**Chair**—A single seat with back, often with arms, and supported on legs or a pedestal.

**Eating space**—A space at least 18 inches wide by 12 inches deep, which is suitable for a service setting of plate, utensils and drink.

\* \* \* \* \*

**Seating**—The number of patrons able to be served meals in a restaurant or eating place retail dispenser premises where a stool, chair, booth or bench is provided to sit on, and where an eating space is provided.

**Stool**—A backless and armless single seat supported on legs or a pedestal.

**Table**—A piece of furniture having a smooth flat top supported by one or more vertical legs.

§ 3.8. Certificate of completion; certificate of approval; letter of authority.

(a) Upon Board approval of an application for new license, transfer of a license or extension of premises, [ and within ] the Board will issue a certificate of approval to the applicant. The Board will also issue a letter of authority which shall authorize the applicant to operate the licensed premises for no more than 30 days. If the application is for an extension of premises, the letter of authority shall be effective immediately. If the application is for a new license, the letter of authority shall be effective when the applicant acquires the right to occupy the premises. If the application is for the transfer of a license, the letter of authority shall be effective upon completion of the underlying financial transaction. Within 15 days of completion of transactions necessary to complete the process, the applicant shall submit a [ certification ] certificate of completion to the Board, indicating that the financial arrangements were completed as reported or modified. The certification shall be on forms provided by the Board. If the application is a transfer application, then the certificate of completion must be signed by the transferor and the transferee. Failure to submit a properly executed certificate of completion may void the approval.

(b) If the [ certification ] certificate of completion discloses modified arrangements, the Board may request information or documentation, as it deems necessary.

\* \* \* \* \*

**Subchapter B. NOTICE POSTING**

§ 3.13. Retail liquor and retail malt and brewed beverage licenses, importing distributor and distributor licenses.

\* \* \* \* \*

(b) Except for nonprofit clubs, retail liquor licensees, retail malt and brewed beverage licensees, importing distributor and distributor licensees, reporting a change in officers, directors or stockholders, which would constitute a change in majority ownership or controlling inter-

est, shall post notice of the change. Except for nonprofit clubs, if a corporate licensee is owned by two persons each of whom owns 50% of the corporation, then any change in ownership shall require posting.

\* \* \* \* \*

**Subchapter J. MALT OR BREWED BEVERAGE MANUFACTURERS**

- Sec. 3.91. Alternate brewers' license.
- 3.92. Brewery pubs.

§ 3.91. Alternate brewers' license.

Records required to be maintained shall be the same as are required by a licensed manufacturer of malt or brewed beverages under § 5.101 (relating to breweries).

§ 3.92. Brewery pubs.

(a) The Board will be authorized to issue a brewery pub license to the holder of a brewery license. A brewery pub license may only be issued in those municipalities in which the Board may issue or transfer a malt and brewed beverage retail dispenser license.

(b) The holder of a brewery pub license shall have all the rights and be subject to the same conditions and qualifications as those imposed on holders of a malt and brewed beverage retail dispenser license except as set forth in this section.

(c) The brewery pub license will be issued to premises immediately adjacent to but separate and distinct from the brewery premises.

(d) Sales of alcoholic beverages at the brewery pub premises shall be limited to sale of malt or brewed beverages produced at and owned by the adjacent brewery and sale of wine produced by the holder of a Pennsylvania limited winery license.

(e) A brewery pub license may not be issued to a brewery that has already acquired a restaurant, hotel or malt and brewed beverage retail dispenser license. If a brewery, which has a brewery pub license, applies for and acquires a restaurant, hotel or malt and brewed beverage retail dispenser license, the brewery pub license will be cancelled upon approval of the restaurant, hotel or malt and brewed beverage retail dispenser license.

(f) Any citations which may be issued pursuant to section 471 of the Liquor Code (47 P. S. § 4-471) for activity relating to the brewery pub will be issued against the brewery license.

**Subchapter K. ECONOMIC DEVELOPMENT LICENSES**

- Sec. 3.101. Economic development licenses.
- 3.102. Approval for economic development license.
- 3.103. Filing criteria for provisional economic development license.
- 3.104. Municipal standing before the Board.
- 3.105. Quarterly filing of applications and application hearings.
- 3.106. Criteria for issuance of a permanent economic development license.
- 3.107. Failure to meet the minimum requirement.
- 3.108. Subsequent transfers.

§ 3.101. Economic development licenses.

(a) **Issuance of license.** The Board may issue restaurant and eating place retail dispenser licenses without regard to county quota restrictions for the

purpose of economic development in a municipality for premises situated within any of the following:

(1) A KOZ established under the authority of the Keystone Opportunity Zone, Keystone Opportunity Expansion Zone and Keystone Opportunity Improvement Zone Act (73 P. S. §§ 820.101–820.1309).

(2) An EZ, as designated by the Department of Community and Economic Development.

(3) A municipality that has approved the issuance of a restaurant or eating place retail dispenser license for the purpose of local economic development.

(b) *Definitions.* The following words and terms, when used in this subchapter, have the following meanings:

*EZ*—Enterprise zone.

*KOZ*—Keystone opportunity zone.

§ 3.102. Approval for economic development license.

(a) An applicant shall request written certification from the KOZ or EZ authority that the proposed licensed premises is situated in a zone or an area designated for economic development.

(b) An applicant shall request approval from the municipality for a KOZ, EZ or local economic development license.

(1) The municipality will hold at least one public hearing on the applicant's request for an economic development license.

(2) The municipality shall, within 45 days of a request for approval, render a decision by ordinance or resolution to approve or disapprove the applicant's request for an economic development license.

(3) If the municipality finds that the issuance of the license would promote economic development, it may approve the request. The municipality shall refuse the request if it finds that the approval of the request would adversely affect the welfare, health, peace and morals of the municipality or its residents.

(4) If the receiving municipality denies the applicant's request for approval of an economic development license, the applicant may appeal the decision of the municipality to the court of common pleas in the county in which the proposed licensed premises is located.

§ 3.103. Filing criteria for provisional economic development license.

A license application may be filed with the Board for premises situated within either a KOZ, an EZ or a municipality that has approved the issuance of a license for the purpose of local economic development, provided that the applicant submits the following with its application:

(1) The required initial application surcharge fee as determined by county class, the appropriate license fee and application-processing fee.

(2) Written certification from the KOZ or EZ authority or from the municipality that the proposed licensed premises is situated in a zone or an area designated for economic development.

(3) Municipal approval in the form of an ordinance or resolution, including the applicant's name and exact address, approving the issuance of an economic development license.

§ 3.104. Municipal standing before the Board.

(a) The receiving municipality may file a protest against the issuance of a license for economic development into its municipality and the municipality shall have standing in a hearing to present testimony in support of or against the issuance of a license.

(b) If the Board receives a protest from the receiving municipality, the Board may in its discretion refuse an application for an economic development license.

(c) A protest must be filed within 30 days of the filing of the application.

§ 3.105. Quarterly filing of applications and application hearings.

(a) Issuance of economic development licenses is limited to two licenses per calendar year in counties of the first through fourth class and one license per calendar year in counties of the fifth through eighth class. Quarterly filing periods are established for all counties as follows:

1st Quarter—January 1 through March 31

2nd Quarter—April 1 through June 30

3rd Quarter—July 1 through September 30

4th Quarter—October 1 through December 31

(b) At the end of the first quarter, every properly filed license application in a county will be subject to an administrative hearing before a Board hearing examiner. Second quarter applications will be held in abeyance until after hearings are held for first quarter applications and a determination is made by the Board as to the availability of a license within the county.

(c) If a vacancy continues to exist in a county after hearings are held and a determination has been made by the Board, properly filed applications for the next quarter will be scheduled for hearings.

(d) In addition to any objections to, or support of, an application for the issuance of a license, an applicant shall establish at the administrative hearing, that it has exhausted reasonable means to find a suitable license within the existing county quota law.

(e) Upon approval of an application, the applicant will receive a provisional license for 120 days.

(f) In the event of an appeal from the Board's decision regarding the issuance or renewal of an economic development license, the appeal will act as a supersedeas and will preclude the processing of additional applications for vacancies in that county.

§ 3.106. Criteria for issuance of a permanent economic development license.

(a) After 90 days from the date of issuance of the provisional license, the licensee may file an application with the Board for a permanent license. The licensee shall certify that for 90 consecutive days since the granting of the provisional license, the licensee's sales of food and nonalcoholic beverages

were equal to or greater than 70% of the combined gross sales of food and alcoholic beverages.

(b) Upon submission of certification, the Board will issue a permanent economic development license.

(c) The economic development license will be governed by the license district in which it is situated for the purpose of validation and renewal. Validation and renewal applications will require submission of certification that during the license year immediately preceding its application for renewal or validation, the licensee met or exceeded the 70% minimum requirement.

(d) An appeal of the Board's decision refusing to grant or renew a license will not act as a supersedeas if the decision is based, in whole or in part, on the licensee's failure to demonstrate that its sales of food and nonalcoholic beverages were at least 70% of its combined gross sales of food and alcoholic beverages.

§ 3.107. Failure to meet the minimum requirement.

(a) Failure to meet the 70% minimum requirement as set forth in this subchapter, as submitted upon renewal or validation application will result in an investigation by the Bureau of Licensing. If the investigation discloses that the licensee failed to meet the 70% minimum requirement, the license will be cancelled.

(b) An appeal of the Board's decision refusing to grant or renew a license will not act as a supersedeas if the decision is based, in whole or in part, on the licensee's failure to demonstrate that its food and nonalcoholic beverages were at least 70% of its combined gross sales of food and alcoholic beverages.

§ 3.108. Subsequent transfers.

Neither an economic development license nor a provisional license is transferable with regard to ownership or location.

CHAPTER 5. DUTIES AND RIGHTS OF LICENSEES

Subchapter B. [EMPLOYES] EMPLOYEES OF LICENSEES

EMPLOYMENT OF OTHERS

§ 5.21. [Employment of criminals] Prohibited employment.

A retail licensee may not employ in his licensed establishment a person who is precluded by section 493(14) of the Liquor Code (47 P. S. § 4-493(14)) from frequenting the establishment, except minors employed in accordance with §§ [ 5.11—5.15 ] 5.12—5.14 (relating to employment of minors by retail licensees; employment of minors 18 to 21 years of age by licensees other than retail; and employment of minors 17 years of age as 18 years of age).

§ 5.23. Appointment of managers.

(a) [A corporation holding one or more licenses shall appoint an individual as manager for each licensed establishment. An individual holding more than one license shall appoint a manager for each licensed establishment.] The operation of a licensed business requires a manager. A licensee shall appoint an individual as manager for each

licensed establishment. The manager shall devote full time and attention to the licensed business.

(b) [Approval] Appointment or approval, or both, by the Board of a manager will not exempt the licensee from the penalties provided by law and this [part] title for violations committed in the licensed establishment or in the course of the operation of the licensed business.

\* \* \* \* \*

(e) [This section may not be construed to prohibit the designation as manager of a reputable employe by a licensee when the designation is not intended to relieve the licensee of his responsibility for giving his full attention to the operation of the licensed establishment. The purpose and intent of this subsection is to permit the licensee, without Board approval, to designate one of his employes as the person in charge of the business during short periods of time when the licensee is absent from the licensed premises.] The licensee, without Board approval, may designate one of its employes as the person in charge of the business for a period of time not to exceed 15 calendar days, when the manager is absent from the licensed premises.

(f) [The following governs licensees in the Armed Forces of the United States:

(1) Notwithstanding anything to the contrary in this part, individuals licensed to sell liquor or malt or brewed beverages in this Commonwealth who may, during an emergency in which a state of war is declared or imminent, enlist or be inducted into the Armed Forces of the United States or who may be required by the Federal government to enter a tour of duty with the Armed Forces; and who furnish to the Board documentary proof of the service, or evidence that the service is about to begin, may appoint a manager for their respective licensed establishments, subject to this section.

(2) Appointments of managers under this subsection shall be subject to approval by the Board and, when approved, shall be effective only during the period the licensee is required by the Federal government to be in the Armed Forces of the United States. Reenlistment in the Armed Forces, after the emergency has ended, will not be considered justification for the appointment of a manager.] The manager appointed by a licensee shall be a reputable person. The licensee shall submit an application for appointment of a manager to the Board. If there is a change of manager, the licensee shall give the Board written notice within 15 calendar days of the change together with full information for the new individual who is appointed as manager. Each notice of the appointment of a manager or notice of a change of manager shall be accompanied by a fee of \$60.

(g) When a background investigation is conducted to obtain or verify information regarding an individual appointed as manager, an additional fee of \$75 for a total fee of \$135 will be assessed. An individual may not act in the capacity of manager after the licensee has been notified that the Board has disapproved the individual. The designated manager shall devote full time to the licensed business and may not be employed or engaged in another business unless prior approval is obtained from the Board.

(h) A club manager or steward may engage in employment outside his duties as manager or steward except as provided in section 493(11) of the Liquor Code (47 P. S. § 4-493(11)).

**Subchapter C. AMUSEMENT AND ENTERTAINMENT**

**§ 5.30. Definitions.**

The following words and terms, when used in this subchapter, have the following meanings, unless the context clearly indicates otherwise:

\* \* \* \* \*

**Sweepstakes**—A chance promotion in which tickets or game pieces are distributed and the winner or winners are selected in a random drawing. Permissible sweepstakes shall provide that the following conditions apply:

- (i) No purchase is necessary to enter.
- (ii) Entrants shall be 21 years of age or older.
- (iii) Retail licensed premises may only be involved as pick-up or drop-off points for entry forms and not for the conducting of drawings or the awarding of prizes.
- (iv) Alcoholic beverages may not be part of the prize.

**§ 5.32. Restrictions/exceptions.**

\* \* \* \* \*

(b) [ A licensee may not maintain on the licensed premises a platform or stage level with or elevated above the floor and used by musicians or entertainers, if the platform or stage or the entertainment produced thereon can be seen from outside the licensed premises.

(c) [ A licensee may not permit an [ employe ] employee, servant, agent, event/tournament/contest participant or a person engaged directly or indirectly as an entertainer in the licensed establishment or a room or place connected therewith, to be in contact or associate with the patrons in the establishment, room or place for a lewd, immoral, improper or unlawful purpose. A copy of this restriction shall be constantly and conspicuously displayed on the wall of the dressing room used by the entertainers, as well as in a conspicuous location visible to [ employes ] employees, servants, agents and event/tournament/contest participants.

[ (d) ] (c) \* \* \*

[ (e) ] (d) \* \* \*

\* \* \* \* \*

[ (f) ] (e) \* \* \*

\* \* \* \* \*

[ (g) ] (f) \* \* \*

(g) Municipalities may petition the Board for exemption from the Board's regulations regarding the enforcement of subsection (a) for all licensees within an identifiable area in accordance with section 493.1(b) of the Liquor Code (47 P. S. § 4-493.1(b)).

(h) A manufacturer, manufacturer's representative or licensee may sponsor sweepstakes promotions.

**§ 5.36. Municipal noise ordinances.**

(a) A municipality that desires exemption from the Board's regulation regarding amplified music being heard off the licensed premises, § 5.32 (relating to restrictions/exceptions), shall, under section 493.1(b) of the Liquor Code (47 P. S. § 4-493.1(b)), file a petition with the Board, requesting approval. With its petition, the municipality shall file the following:

- (1) A copy of the municipality's noise ordinance currently in effect.
- (2) The municipality's resolution that:
  - (i) Confirms the municipality's support of the petition to substitute the municipal noise ordinance for the Board's regulation.
  - (ii) Cites the municipal noise ordinance.
  - (iii) States the municipality's intention to enforce the ordinance in place of the Board's regulations.
- (3) A complete written description of the boundary lines for the proposed exempted noise area.
- (4) One copy of a geographical map, the minimum size of which is 36" x 36", including the designated boundary lines of the proposed exempted noise area within the municipality.
- (5) Three copies of the geographical map required by paragraph (4), the size of which will be 8 1/2" x 11 1/2".
- (6) Identification of a proposed location, within the proposed exempted noise area, to be used by the Board to hold the required public hearing within the proposed exempted area.
- (7) Identification of a local print publication of general circulation that would satisfy 65 Pa.C.S. Chapter 7 (relating to open meetings) notice requirement for announcement of the required public hearing.

(b) A date for a public hearing shall be set and public notice given in advance of the hearing: The hearing must comply with all notice, recording and public participation requirements of 65 Pa.C.S. Chapter 7.

(c) Within 60 days after receipt of the petition, the Board will disapprove the petition for an exemption in its entirety or may approve an area more limited for which the petition will be granted if the Board finds that granting the petition will have an adverse effect on the welfare, health, peace and morals of the residents living in the vicinity of the identified area; otherwise the Board will approve the petition.

(d) The Board may place additional conditions on the petition's approval such as limiting the duration of the approval and any other condition the Board deems appropriate.

(e) There shall be a right to appeal to the court of common pleas in the same manner provided by this act for appeals from refusals to grant licenses.

(f) A municipality may rescind any existing exemption from the Board's regulations regarding amplified music by notifying the Board of its intention to do so in writing, 15 days prior to the



rescission date. The notice must be accompanied by an ordinance or resolution authorizing the rescission.

(g) A rescission of an existing exemption which does not rescind the entire exempted area shall be treated as a new petition for exemption with the Board and shall follow the procedures in this section.

Subchapter E. [ LUNCH ] (Reserved)

§ 5.61. [ Food items permitted ] (Reserved).

[ Under section 493(9) of the Liquor Code (47 P. S. § 4-493(9)), the Board authorizes the giving, or selling at below fair retail cost, of food items for consumption on the premises, to consumers. This section does not permit licensees to furnish, give or sell below a fair cost any lunch to any consumer. ]

Subchapter F. CLUBS  
OTHER REQUIREMENTS

§ 5.86. Permitted exchange of club and catering club licenses.

(a) Upon application under Chapter 3 (relating to license applications), the Board may issue to a club, a club liquor license in exchange for a club malt beverage retail dispenser license in any municipality which has approved the granting of liquor licenses.

(b) Upon application under Chapter 3, and upon approval of the Board, a club holding a club liquor license may surrender its license, and receive a catering club liquor license in its place.

(c) Upon application under Chapter 3, and upon approval of the Board, a club holding a catering club liquor license may surrender its license and receive a club liquor license in its place.

(d) Upon application under Chapter 3, and upon approval of the Board, a club holding a club malt beverage retail dispenser license may surrender that license, and receive in its place a catering club malt beverage retail dispenser license.

(e) Upon application under Chapter 3, and upon approval of the Board, a club holding a catering club malt beverage retail dispenser license may surrender that license and receive in its place, a club malt beverage retail dispenser license.

(f) The Bureau of Licensing will set the fee for filing an application for exchange of club licenses.

(g) Exchange of licenses may only occur within a municipality that has approved the granting of such licenses.

CHAPTER 7. TRANSFER, EXTENSION,  
SURRENDER EXCHANGE OF LICENSES

Subchapter A. TRANSFER OF LICENSES

§ 7.3. Transfers of location.

\* \* \* \* \*

(c) *Effect of failure to achieve full compliance.* When a request for the transfer of a license has received prior approval by the Board, and thereafter, a licensee is unable to achieve full compliance based on the plans submitted under prior approval, a hearing may be held to determine whether full compliance with the licensee's plans was impossible

for reasons outside the licensee's control and if so, an application for transfer to another location will be considered.

(d) If a prior approval for transfer was originally granted for transfer to a different municipality, the 5-year moratorium on a transfer from the municipality to which the transfer was effected is measured from the date the license becomes operational. See section 461(a) of the Liquor Code (47 P. S. § 4-461(a)).

§ 7.10. Conversion of suspension to fine.

(a) When a license application for transfer is pending and the transferor has an outstanding license suspension imposed by the Office of Administrative Law Judge that has not yet been served and cannot be served because the premises is not in operation, the transferee shall either serve the suspension upon the approval of the transfer, or request that the suspension be converted to a fine to be paid by the transferee upon the approval of the transfer.

(b) If the transferee prefers to pay a fine in lieu of serving a suspension, it shall make a request to the Office of Chief Counsel that a fine be set by the Board.

(c) For purposes of making a determination as to the amount of the fine, the transferee's request to the Office of Chief Counsel shall include the following:

(1) A letter requesting that a fine be set in lieu of the suspension.

(2) A statement that the transferor cannot serve the suspension because the premises is not in operation.

(3) The transferor's Federal tax return for its last year of operation, showing the licensed business's profit or loss.

(4) The number of days the transferor was open in its last year of operation.

(5) Other financial documents as requested by the Office of Chief Counsel.

(6) A copy of the administrative law judge's adjudication and order that resulted in the suspension. This document is obtainable from the Office of Administrative Law Judge.

(d) The fine will be calculated by application of the following formula: Gross earnings of the transferor divided by 365 (or the number of days in operation in the transferor's last year of operation) multiplied by .50. The resulting figure is the amount of the fine per day of suspension, subject to the following exceptions:

(1) If the amount is less than \$100 per day, a fine of \$100 per day will be set.

(2) If the suspension was issued for a citation that required a minimum fine amount of \$1,000 per day, then a minimum fine of \$1,000 per day will be set.

(e) The Board, in its discretion, may set a fine in the absence of one or more of the documents described in subsection (c)(1)–(6).

(f) The Board will act on the request by accepting the request and setting the amount of the fine, or

rejecting the request, or making a counteroffer and informing the transferee of its decision in writing.

(g) If the transferee rejects the Board's decision, the original suspension will remain in effect, to be served by the transferee if the transfer is approved.

(h) If after the Board approves a conversion to a fine, the transfer application is denied, the Board's decision regarding the suspension conversion to a fine is rendered a nullity and the unserved suspension remains in effect for the transferor.

Subchapter B. EXTENSION OF LICENSES

§ 7.25. Temporary extension of licensed premises.

(a) The Board has discretion to approve a temporary extension of a licensed premises upon filing of an application accompanied by appropriate plans or surveys setting forth the metes and bounds, the names of abutting streets and a plotting of the proximity of the principal licensed premises.

(b) The application must describe the entire scope of business to be conducted at the temporarily extended licensed premises and include the specific dates and hours business will be conducted.

(c) A nonrefundable fee of \$220 must accompany an application for temporary extension of licensed premises.

(d) The additional premises for which it is desired to temporarily extend a license shall be completely equipped for the carrying on of the type of business permitted under the license, but sales or storage of liquor or malt or brewed beverages may not take place in the temporarily extended premises until approval has been given by the Board.

(e) Approval may be in the form of a new license, giving the additional address/location or a letter authorizing the use of the additional temporary premises extension. Board approval or letter of authorization shall be maintained on the temporarily extended licensed premises.

Subchapter C. SURRENDER OF LICENSES

§ 7.31. Surrender of licenses in certain cases.

\* \* \* \* \*

(d) A license surrendered to the Board, or a renewal thereof in possession of the Board, will not be held for the benefit of the licensee for a period exceeding [ 2 ] 3 years from the date of surrender, except [ when, in the opinion of the Board, circumstances beyond the control of the licensee prevent reactivation and except ] as provided in section 474 of the Liquor Code (47 P. S. § 4-474) with regard to club licenses. [ Failure ] Unless an application for transfer or request for reissue of the license from safekeeping is pending, failure of the licensee to reactivate the license and resume operation of the licensed business or to effect a transfer of the license within the [ 2 ] 3-year period shall [ be sufficient cause for ] result in revocation of the license. The Board will extend the period for an additional year if, at the end of the 3-year period, the licensed premises are unavailable due to fire, flood or other similar natural disaster.

\* \* \* \* \*

§ 7.33. Sheriff's sale of a liquor license.

When a license is subject to a writ of execution the following apply:

(1) Any writ of execution must identify the liquor license by type and number, and may be filed in any county where jurisdiction would be appropriate. The Board may not be listed as garnishee. Notification to the Board upon the filing of a writ of execution is not required.

(2) Sheriff's seizure of the original license is not required. Licenses seized should be sent to the Bureau of Licensing for safekeeping within 15 days of seizure. If the debtor satisfies the judgment prior to sale, the sheriff may return the original license to the named licensee.

(3) Licenses may not be transferred without Board approval. Purchase at a sheriff's sale is not a transfer of the license but instead, only grants to purchaser the right to apply for the transfer of the license. Prospective purchases of a license are subject to the following conditions:

(i) Any sale of a license is subject to approval by the Board. Renewal and transfer applications may be obtained from the Bureau of Licensing.

(ii) The Board's Bureau of Licensing should be provided with the purchaser's current address immediately upon purchase.

(iii) A license renewal application must be filed 60 days prior to the expiration date of the license. See section 470 of the Liquor Code (47 P. S. § 4-470). If filed later than that date, or within 2 years after the expiration, a late filing fee will be assessed for the renewal application.

(iv) It shall be the purchaser's responsibility to review all letters from the Board and to take all necessary steps to renew or transfer, or both, the license in a timely manner.

(v) Licenses not renewed within 2 years after expiration will cease to exist and will not be reactivated.

(vi) Transfer and renewal of the license will not be approved without tax clearance certificates from the Departments of Revenue and Labor & Industry for both the previous license holder and the purchaser. See section 477 of the Liquor Code (47 P. S. § 4-477).

(vii) Any pending citations issued against the license shall be satisfied prior to transfer.

(4) The purchaser shall obtain the seal of the sheriff or the prothonotary on Board transfer or renewal applications in lieu of the signature of the previous license holder. The sheriff's bill of sale and writ of execution shall accompany the transfer or renewal application when filed.

Subchapter F. INTERMUNICIPAL TRANSFER OF RETAIL LICENSES.

- Sec.
- 7.61. Criteria for intermunicipal transfer of retail licenses.
- 7.62. Refusal of an intermunicipal transfer by receiving municipality.
- 7.63. Municipal standing before the Board.
- 7.64. Appeal of Board decision.
- 7.65. Subsequent transfers.

**§ 7.61. Criteria for intermunicipal transfer of retail licenses.**

(a) Restaurant, eating place retail dispenser and club licenses may be transferred from one municipality to another municipality within the same county, without approval from the receiving municipality, if both of the following apply:

(1) The number of existing licenses in the receiving municipality does not exceed one license per 3,000 inhabitants as determined at the date of filing of the application.

(2) The applicant submits the appropriate application forms and associated fees to the Bureau of Licensing.

(b) If the number of existing licenses in the receiving municipality exceeds one license per 3,000 inhabitants or if the population of the receiving municipality is less than 3,000 inhabitants and the receiving municipality has an existing license:

(1) The applicant shall request approval from the receiving municipality for the intermunicipal transfer of the license.

(2) Upon request for approval of an intermunicipal transfer of a license by the applicant, at least one public hearing shall be held by the receiving municipality for the purpose of receiving comments and recommendations of interested individuals residing within the municipality concerning the applicant's intent to transfer the license into the municipality.

(3) The receiving municipality shall, within 45 days of a request for approval, render a decision by ordinance or resolution to approve or disapprove the applicant's request for an intermunicipal transfer.

(4) The receiving municipality shall approve the request unless it finds that doing so would adversely affect the welfare, health, peace and morals of the municipality or its residents.

(5) The applicant shall submit to the Board, along with its application for transfer, a copy of the receiving municipality's approval of the intermunicipal transfer of the license in the form of an ordinance or resolution which includes the applicant's name and exact address.

**§ 7.62. Refusal of an intermunicipal transfer by receiving municipality.**

If the receiving municipality refuses to grant approval for the intermunicipal transfer of the license, an applicant may appeal the decision to the court of common pleas in the county in which the proposed licensed premises is located. The appeal is from the decision of the municipality.

**§ 7.63. Municipal standing before the Board.**

(a) The receiving municipality may file a protest against the approval of an intermunicipal transfer of a license into its municipality and such municipality shall have standing in a hearing to present testimony in support of or against the transfer of a license.

(b) If the Board receives a protest from the receiving municipality, the Board may refuse an application for an intermunicipal transfer of a license.

(c) A protest must be timely filed.

**§ 7.64. Appeal of Board decision.**

(a) The receiving municipality may file an appeal of the Board decision granting the license, within 20 days of the date of the Board's decision, to the court of common pleas in the county in which the proposed licensed premises is located.

(b) The applicant may file an appeal of the Board's decision denying the license, within 20 days of the date of the Board's decision, to the court of common pleas in the county in which the proposed licensed premises is located.

**§ 7.65. Subsequent transfers.**

Licenses transferred from one municipality to another may not be transferred out of the receiving municipality for a 5 years from the date of operation in the receiving municipality.

**CHAPTER 9. TRANSPORTATION, IMPORTATION, DISPOSITION AND STORAGE**

**Subchapter A. TRANSPORTATION OF LIQUOR, MALT OR BREWED BEVERAGES OR ALCOHOL**

**VEHICLES**

**§ 9.22. Identification of vehicles.**

Except for Transporter-for-Hire, Class C Licensees, persons transporting liquor, malt or brewed beverages, or alcohol under the authority of a transporter-for-hire license issued by the Board, except as provided in § 9.30 (relating to temporary use of vehicles), shall **[ have—affixed to the lower right corner of the windshield as viewed from the inside of each vehicle used in the operation of the business—the self-adhering emblem the Board deems appropriate for the particular class of transporter-for-hire ] maintain a Board-issued vehicle identification card inside of each vehicle used.** Licensees of the Board whose licenses authorize the transportation of liquor, malt or brewed beverages, or alcohol in the regular operation of their licensed business shall **[ have painted or affixed ] display** on each side of each vehicle used in the operation of the business their name, address including the street name and number as shown on the license and the license number as shown on the license in letters no smaller than 4 inches in height. The license identification number shall be preceded by the letters "P. L. C. B."

**§ 9.23. Vehicle identification [ emblems ] cards.**

A licensee whose license authorizes the transportation of liquor, malt or brewed beverages, or alcohol in the regular operation of his licensed business and who desires to transport liquor, malt or brewed beverages, or alcohol shall obtain a vehicle identification **[ emblem ] card** from the Board for each vehicle used. Each vehicle shall be lettered in accordance with § 9.22 (relating to identification of vehicles). A vehicle identification **[ emblem ] card** is not required of a retail licensee, or his authorized agent named on his Wholesale Purchase Permit Cards, for the transportation of liquor purchased at a State Liquor Store for use in the licensed business, or the transportation of alcohol purchased at a State Store by an alcohol permittee; or the transportation of liquor purchased at a State Store by holders of Pharmacy Permits, Hospital Pharmacy Permits, or Chemists and Manufacturing Pharmacists Permits.

§ 9.24. Application for vehicle identification [ emblem ] card.

(a) Application for [ self-adhering ] a vehicle identification [ emblems ] card shall be made on forms furnished by the Board and filed with the original or renewal application for licenses required by statute and when additional vehicles are intended to be used in connection with the license.

(b) A charge of \$10 will be made for each vehicle identification [ emblem ] card.

§ 9.26. Issuance and replacement of [ emblems ] cards.

(a) Vehicle identification [ emblems ] cards will be [ used ] issued only for vehicles which are either owned or leased by the licensee or, in the case of a transporter-for-hire, utilized under contract with an unlicensed transporter.

(b) [ Vehicle identification emblems shall be affixed to the lower right corner of the windshield of each vehicle, as viewed from the inside of the vehicle.

(c) [ If the vehicle identification [ emblem ] card becomes marred, defaced, damaged or is [ removed ] misplaced/lost, application for a new [ emblem ] card shall be made immediately, accompanied by a fee of \$10 and filed with the Board.

§ 9.28. Use of vehicles.

(a) A licensee engaged in the purchase or sale of liquor, malt or brewed beverages, or alcohol may not use or permit to be used a vehicle [ bearing his ] assigned a vehicle identification [ emblem ] card for the transportation of a liquor, malt or brewed beverages, or alcohol other than that used in the operation of [his] its licensed business. Subject to the limitations of their respective licenses, transporter-for-hire licensees may transport liquor, malt or brewed beverages or alcohol in vehicles owned or leased by the transporter-for-hire licensees and operated by drivers employed by the transporter-for-hire licensees or operated by drivers employed by unlicensed transporters who are under contract with the transporter-for-hire licensees.

\* \* \* \* \*

(c) A licensee may not sell, lease or permit the use by another of a vehicle for which a vehicle identification [ emblem ] card has been issued without first obscuring or defacing the lettering on the vehicle as described in § 9.22 (relating to identification of vehicles) [ , and removing and destroying the vehicle identification emblem affixed thereto ] .

§ 9.29. Expiration and termination.

Vehicle identification [ emblems ] cards shall expire on the date indicated by the Board unless the license of the licensee has been previously revoked or terminated by the Board, which action automatically terminates the validity of the vehicle identification [ emblem ] card issued to the licensee. If the license is suspended by the Board, the use of the vehicle identification [ emblem ] card shall be suspended for a like period.

Subchapter H. IMPORTATION OF WINE PURCHASED BY MEANS OF THE INTERNET

Sec.	
9.131.	Scope.
9.132.	Definitions.
9.141.	Requirements for licensure as a direct shipper.
9.142.	Records to be maintained.
9.143.	Sales of wines.
9.144.	Products shipped.
9.145.	Direct shipper's website.

§ 9.131. Scope.

This subchapter is to be applied in conjunction with the Liquor Code and sets forth the nature and kind of proof required thereunder.

§ 9.132. Definitions.

The following words and terms, when used in this subchapter, have the following meanings, unless the context clearly indicated otherwise:

*Consumer*—A person, 21 years of age or older at the time that the order is placed, who resides in this Commonwealth and is ordering wine by means of the Internet from a direct shipper for personal consumption, not for resale.

*Direct shipper*—A person or legal entity outside this Commonwealth who obtains a license from the Board to accept orders placed for wine within this Commonwealth by means of the Internet and who ships or facilitates in any way the shipment of wine by a delivery agent or common carrier to a Wine and Spirits Store.

§ 9.141. Requirements for licensure as a direct shipper.

(a) The direct shipper is a legal entity licensed in another state as a producer, supplier, importer, wholesaler, distributor or retailer of wine that completes an application for license and files the application with the Board.

(b) The direct shipper agrees to submit to the jurisdiction of the Board, any other Commonwealth agency, the Board of Claims and the courts of this Commonwealth for any dispute arising out of the direct shipper's conduct of business with the Board or consumers.

(c) The laws of the Commonwealth govern any dispute or issue arising from or involving any transaction or dealing between direct shipper and the Commonwealth.

(d) The direct shipper agrees to indemnify the Board from any cause of action arising from its conduct of business in this Commonwealth.

(e) The direct shipper agrees to notify the Board if any of its licenses or permits, by which it is licensed in another state, are suspended, revoked, terminated or not renewed by the issuing authority.

(f) Failure by the direct shipper to remain licensed in another state could result in citation by the Pennsylvania State Police, Bureau of Liquor Control Enforcement or nonrenewal of the direct shipper license by the Board.

§ 9.142. Records to be maintained.

(a) The Commonwealth has the right to audit, at reasonable times and at a site designated by the Commonwealth, and the direct shipper shall give full and free access to the Commonwealth or its authorized representative, or both, to the books,

documents and records of the direct shipper to the extent that the books, documents or records relate to the sale by the direct shipper to consumers and to the collection of taxes and fees and the submission of same to the Commonwealth.

(b) The direct shipper agrees to maintain records, which will support the products, including brands, vintages, volumes and sizes sold to consumers and the collection and submission of taxes and fees regarding the products sold.

(c) The direct shipper shall maintain all books, documents and records described in this section for 3 years from the date of the sale.

#### § 9.143. Sales of wines.

(a) The direct shipper shall possess a valid license issued by the Board.

(b) The direct shipper may sell to consumers only those classes, varieties and brands of wine not available for sale by the Board to consumers. Those items that may not be sold by direct shippers are listed on the Board's website and are subject to change. Direct shippers may not ship or sell by means of the Wine and Spirits Stores any other items, alcoholic or nonalcoholic, to consumers other than wine not listed on the Board's website.

(c) The direct shipper may only process orders received by means of the Internet.

(d) Consumers may not purchase, and direct shipper may not sell, more than 9 liters of wine to a single consumer per month.

(e) The direct shipper shall provide the consumer with an Internet wine order which is a numbered receipt listing the following:

(1) The consumer's name, address, phone number and date of birth.

(2) The name, address, phone number and date of birth of any other person authorized to pick up the product at the Wine and Spirits Store.

(3) The selling price, total volume and a complete and accurate description of products purchased.

(4) Eighteen percent Emergency Tax.

(5) Six percent Sales Tax.

(6) One percent Philadelphia/Allegheny County only Sales Tax, if applicable.

(7) Fees collected.

(8) The address of the Wine and Spirits Store to which the product is being shipped.

(f) Two copies of the Internet wine order must be with the product package and a copy must also be forwarded to the Board electronically within 1 business day from the date of the placement of the order.

(g) The direct shipper shall collect the 18% Emergency Tax, the appropriate Pennsylvania Sales Tax, and the Board's handling fee of \$4.50.

(h) The direct shipper shall remit to the Board by the 10th calendar day of the following month, the amount of taxes and fees collected from the prior month's sales. This remittance must be accompanied by a list detailing the numbered receipts being remitted.

(i) Failure to submit the appropriate fees and taxes will subject the direct shipper to citation by the Pennsylvania State Police, Bureau of Liquor Control Enforcement, which may result in civil penalties or criminal penalties, or both.

(j) The direct shipper agrees that the Commonwealth may set off the amount of any State tax liability or the other obligation of the direct shipper or its subsidiaries to the Commonwealth against any payments due the direct shipper under any contract with the Commonwealth.

(k) Annually, the direct shipper shall provide to the Board by the 15th day of the following January, a total of all sales of wine to consumers by the number of units and the dollar amount.

#### § 9.144. Products shipped.

(a) Wine shipped to a consumer must be shipped to a Wine and Spirits Store.

(b) Shipments must be delivered to a Wine and Spirits Store by a transporter-for-hire licensed by the Board.

(c) Each package so shipped must be clearly identified as containing alcoholic beverages.

(d) Each package must clearly identify the direct shipper on the outside of the package and must have with the package a copy of the Internet wine order.

(e) Each order by a consumer must be packaged separately.

(f) All packaging materials must be sufficient to protect the product from damage during normal handling.

(g) The direct shipper agrees that any missing product, incorrect product, or damage to product, including breakage, defaced labels, leakage or other defects, noted on the Internet wine order will be the responsibility of the direct shipper.

(h) The direct shipper agrees that any wine that is not picked up by the consumer within 30 days of receipt by the Wine and Spirits Store becomes the property of the Board.

(i) The direct shipper shall provide a "call tag" with each order shipped.

#### § 9.145. Direct shipper's website.

(a) The direct shipper's website must contain language that the direct shipper is solely responsible for the fitness of the product and that the Board neither endorses the direct shipper nor its products.

(b) The direct shipper's website must explain fully the direct shipper's policy on the return of wine purchased by consumers.

(c) The direct shipper's website must inform consumers that it will not sell to anyone who is under 21 years of age on the date of order, and that the product will not be released to anyone who cannot demonstrate that he is 21 years of age or older, or to anyone who is not a resident of this Commonwealth, or to anyone who is under the influence of alcohol or other drugs.

(d) The direct shipper's website must contain the following language:

**DISCLAIMER**

Consumers must be 21 years of age or older on the date of order and residents of Pennsylvania. All wine purchased must be for personal consumption and not for resale. Consumers must select a Wine and Spirits Store for delivery of their order. The Consumer must pick up the product in person at the selected Wine and Spirits Store or designate at the time of order an individual(s) who will be permitted to pick up the order. Whoever picks up the order must be 21 and a Pennsylvania resident. When the order is picked up, the person must present photo identification and be prepared to sign an affidavit that he or she is 21 years of age or older, a Pennsylvania resident and that the wine is for personal use not for resale. The entire order must be picked up; no partial order pick-ups will be permitted.

The Pennsylvania Liquor Control Board endorses no Direct Shipper nor does it provide any warranties either express or implied, as to the fitness or merchantability of any product purchased over the Internet or assumes any liability for the use or misuse of any product. The Pennsylvania Liquor Control Board will not accept any returns. All requests for the return of any product ordered over the Internet for any reason must be made directly to the Direct Shipper. For any product damaged after receipt at the Wine and Spirits Store, Consumer will be fully reimbursed for the entire cost of the order by the Board. Any order not picked up within 30 days of receipt at the Wine and Spirits Store becomes the property of the Pennsylvania Liquor Control Board.

(e) The direct shipper's website must require the consumer to indicate that the consumer has read the Board's disclaimer and agrees to its terms and conditions before consumer may complete the consumer's order. The direct shipper shall maintain a copy of the consumer's acceptance of the disclaimer for 2 years.

(f) If the direct shipper wishes to be linked to the Board's website, it shall sign a linking agreement in the form provided by the Board.

**CHAPTER 11. PURCHASES AND SALES**

**Subchapter A. GENERAL PROVISIONS**

**RETAIL AND WHOLESALE PURCHASE—GENERAL**

**§ 11.7. Authorized agents of cardholder.**

(a) A permit holder may authorize up to **[ two ] four** agents to make purchases in his behalf for use in his business or establishment, subject to the following:

(1) Only individuals regularly employed in the business or establishment of a permit holder or **licensed transporters-for-hire** may be designated as agents.

\* \* \* \* \*

(b) A permit holder may appoint **[ an ]** authorized **[ agent ]** agents in place of **[ either of the two ]** those whose **[ signature ]** signatures originally appeared on the Wholesale Liquor Purchase Permit Card by crossing out the name of the deposited agent in ink and having **[ the third party ]** or other parties properly sign the

card. **[ Additional agents may not be appointed in this manner, and a permit holder is not allowed more than two agents. ]**

(c) If a permit holder desires to make more **[ than one change in his authorized agent ]** changes in the designation of authorized agents than space permits on the Wholesale Liquor Purchase Permit Card, the permit holder shall obtain a duplicate Wholesale Liquor Purchase Permit Card by obtaining at the State Store, where the card is on deposit, a form as prescribed by the Board, which shall be completed by the permit holder and returned with a fee of \$10. The manager of the State Store will forward the form to the Bureau of Licensing of the Board. A new card will be forwarded to the store. During the time required for this transaction, purchase at wholesale may be made by the permit holder or an authorized agent at the store where the old card is on deposit. Upon receipt of the new card, the store manager shall immediately notify the permit holder. The old card will then become void and shall be forwarded to the Bureau of Licensing by the manager. The manager shall deliver the new Wholesale Liquor Purchase Permit Card to the permit holder when he visits the store and requests delivery. The new card is not valid until properly signed in accordance with § 11.6 (relating to signature on cards).

**RIGHTS AND DUTIES OF PERMITTEES**

**§ 11.33. Purchase of alcohol by AN and AE permittees.**

\* \* \* \* \*

(c) Alcohol may be purchased in bulk by AN or AE permittees from distillers located outside this Commonwealth through the Board, subject to the following:

(1) AN and AE Permittees desiring to purchase alcohol in bulk shall submit their order for the purchases, in duplicate, to the Board on forms provided by the Board, obtainable from the Purchasing Division of the Board. Bulk purchases of 190 proof alcohol by AN permittees will be allowed only in quantities of 25 wine gallons or more and in containers of at least 5-gallon capacity. AE permittees may purchase alcohol in bulk, without restrictions as to size of containers or quantity purchased. **[ An order submitted by an AN permittee shall be accompanied by a remittance in the amount of \$5. A service charge will not be required of AE permittees. ]** Immediately upon receipt from a permittee of a bulk purchase order for alcohol, the Board will, if approved, note thereon its approval and send it to the designated distiller, notifying the distiller to make shipment to the Board at the destination indicated in the order.

\* \* \* \* \*

**CHAPTER 13. PROMOTION**

**Subchapter A. ADVERTISING**

**DISTILLED SPIRITS**

**§ 13.14. [ Cooperative advertising ] (Reserved).**

**[ There may be no cooperative advertising between a producer, manufacturer, bottler, importer or wholesaler and a retailer of distilled spirits. ]**

**WINE**

**§ 13.24. [ Cooperative advertising ] (Reserved).**

**[ There may be no cooperative advertising between a producer, bottler, importer, or wholesaler and a retailer of wine. ]**

**ADVERTISING OF BRAND NAMES**

**§ 13.42. Window and doorway display.**

(a) A licensee may [ not ], without board approval, install or permit to be installed any electrically operated signs or devices, lithographs, framed pictures, cardboard displays, statuettes, plaques, placards, streamers or similar items advertising brand names and intended for window and doorway display on the licensed premises [ until the licensee has submitted detailed information to the Board on Form PLCB-948, and obtained Board approval. The signs may not exceed 600 square inches in display area and shall carry a serial or model number permanently affixed to the display for identification purposes. A photograph or sketch of the display sign shall accompany the application form ].

(b) Advertising may not exceed 600 square inches in display area. When the [ approved sign ] advertising material is of maximum size, no background material may be used. When installing [ approved ] signs of smaller size, the combined area of the sign and background or decoration may not exceed the maximum area of 600 square inches.

[ (c) Brand name advertising matter may not be painted or affixed in a manner to the inside or outside of the glass in show windows or doorways of licensed establishments. ]

**§ 13.43. Interior display.**

(a) A licensee may [ not ], without board approval, install or permit to be installed electrically operated signs or devices, lithographs, framed pictures, cardboard displays, statuettes, plaques, placards, streamers or similar items advertising brand names and intended for interior display on the licensed premises [ until the licensee has submitted detailed information to the Board on forms provided by the Board, and obtained Board approval. A photograph or sketch of the display sign shall accompany the application form ].

(b) When the [ approved sign ] point-of-sale material, as described in subsection (a), is of maximum value as set by the Board, no background material may be used in conjunction with the installation.

\* \* \* \* \*

**GIVING AND ACCEPTING THINGS OF VALUE**

**§ 13.51. General prohibition.**

\* \* \* \* \*

(d) After prior written agreement, manufacturers may reimburse importing distributors or distributors for the cost of affixing the manufacturers' beer brand logos to importing distributors' or distributors' delivery vehicles.

**§ 13.52. Advertising novelties.**

\* \* \* \* \*

(c) Nominal value, as used in this subsection, means an amount not to exceed a monetary limit established and disseminated by the Board. Advertising novelties provided by manufacturers or any class of licensee may not be used as equipment by any hotel, restaurant, club, retail dispenser, importing distributor or distributor licensee. Notwithstanding any other provisions of this section, licensees may sell glasses

at not less than cost and provide metal keg connectors and tap knobs to other licensees and to holders of special occasion permits. Manufacturers or importers may furnish, give, rent, loan or sell wine lists or menus to retail licensees. The wine lists/menus may involve cooperative endeavors related to cost sharing and advertisement between manufacturers/importers and retail licensees. Wine lists/menus for on-premises use may contain preprinted prices.

(d) Advertising banners/signs for exterior use are considered advertising novelties if the banners/signs conspicuously advertise the alcoholic beverage products sold by the licensee or the name of the manufacturer of alcoholic beverage products sold by the licensee. Exterior advertising banners/signs must comply with section 498 of the Liquor Code (47 P. S. § 4-498).

(e) Advertising banners/signs that are used for interior display are not subject to the advertising novelty cost limit, but are subject to the point of sale advertising cost limit as set forth by the Board.

(f) Licensees of any class may sell promotional items advertising their own business only, such as tee shirts, mugs, caps and other similar items, to the general public.

**§ 13.53. Bar spending/free drinks.**

Representatives of manufacturers and licensees may give or purchase an alcoholic beverage for consumers in retail licensed premises provided the giving of the alcoholic beverage is not contingent upon the purchase of any other alcoholic beverage and is limited to one standard-sized alcoholic beverage per patron in any offering. A standard-sized alcoholic beverage is 12 fluid ounces of a malt or brewed beverage, 4 fluid ounces of wine (including fortified wine) and 1 1/2 fluid ounces of liquor.

**Subchapter C. SOLICITATION FOR THE PURCHASE OF ALCOHOLIC BEVERAGES**

**§ 13.102. Discount pricing practices.**

\* \* \* \* \*

(b) *Exceptions.* Nothing in subsection (a) prohibits:

\* \* \* \* \*

(2) The offering for sale of one specific type of alcoholic beverage or drink per day or a portion thereof at a reduced price, if the offering does not violate subsection (a). For purposes of this section, a specific type of alcoholic beverage means either a specific registered brand of malt or brewed beverages, a type of wine, a type of distilled spirits or a mixed drink. Examples of permissible drink discounts are found in Board Advisory Notice 16.

[ (3) The sale, serving or offering of an unlimited or indefinite amount of alcoholic beverages as part of a meal package after 7 a.m. on December 31, 1999, until 2 a.m. on the following day by a hotel licensee to registered overnight guests of the hotel. ]

## Subchapter D. TASTING EVENTS

### GENERAL PROVISIONS

Sec.

13.201. Definitions.

#### TASTING EVENTS

13.211. Tasting events.

#### IN-STORE TASTING EVENTS

- 13.221. General requirements.
- 13.222. Prior approval.
- 13.223. Procurement of wine and/or spirits, or both.
- 13.224. Duration of in-store tasting events.
- 13.225. Tastings per consumer.
- 13.226. Food, supplies and equipment.
- 13.227. Participation by Board employees.
- 13.228. Disposal of unused alcohol and empty containers.
- 13.229. Advertising.

### GENERAL PROVISIONS

#### § 13.201. Definitions.

The following words and terms, when used in this subchapter, have the following meanings, unless the context clearly indicates otherwise:

*In-store tasting events*—Tastings/tasting events held upon the premises of a State Liquor Store.

*Sponsor*—A sponsor of a tasting event may be any licensed broker, holder of a limited winery or winery license, or a manufacturer of liquor or its agent 21 years of age or older.

*Standard size alcoholic beverage*—A standard size alcoholic beverage is 12 fluid ounces of a malt or brewed beverage, 4 fluid ounces of wine (including fortified wine) or 1 1/2 fluid ounces of liquor.

*Tastings/tasting events*—A presentation of alcoholic products to the public for the purpose of market research, disseminating product information and education of the public as to quality and availability.

#### TASTING EVENTS

#### § 13.211. Tasting events.

(a) Tastings may be conducted by licensed brokers, distributors, importing distributors and manufacturers or their agents upon licensed or unlicensed premises.

(b) Licensed brokers, distributors, importing distributors and manufacturers or their agents conducting a tasting event shall adhere to the following requirements:

(1) Products used shall be legally procured and properly registered and taxes on the products shall be paid.

(2) Purchase requirements may not be associated with the tasting.

(3) No more than one standard size alcoholic beverage of each product shall be provided to each tasting participant.

#### IN-STORE TASTING EVENTS

#### § 13.221. General requirements.

(a) Sponsors may conduct an in-store tasting event at the discretion of the Board.

(b) Only one sponsor may conduct an in-store tasting event at any one store at any one time unless otherwise approved by the Board.

(c) Sponsors shall observe all State and Federal laws and regulations governing liquor and wine during in-store tasting events.

#### § 13.222. Prior approval.

(a) Sponsors shall obtain approval from the Board to conduct an in-store tasting event prior to the date of the proposed event.

(b) Prior to the in-store tasting event, sponsors may be required to demonstrate evidence of liability insurance in an amount to be determined by the Board and sign and submit a Pennsylvania Liquor Control Board Indemnity Against Liability form to the Board.

(c) Prior to the in-store tasting event, sponsors shall provide the Board with a list of products to be tasted by consumers.

(d) The Board will determine the time, date, and location of the in-store tasting event and will notify the sponsor of same.

#### § 13.223. Procurement of wine or spirits, or both.

(a) Wine or spirits used during the in-store tasting events must be procured by the sponsor in accordance with the sampling process as specified in § 13.81 (relating to samples of liquor) or by legal purchase.

(b) A maximum of four products per sponsor per in-store tasting event may be made available for tasting by consumers.

(c) Wine and spirits used during an in-store tasting event must be dispensed from original containers prepared by the manufacturer with labels visible to the consumer.

#### § 13.224. Duration of in-store tasting events.

The duration of an in-store tasting event is limited to a maximum of 2 consecutive hours.

#### § 13.225. Tastings per consumer.

(a) In the case of wine, only 1 ounce may be served to any one consumer for each product tasted. A consumer may not be furnished more than 4 ounces of wine.

(b) In the case of spirits, only 1/4 ounce may be served to any one consumer for each product tasted. A consumer may not be furnished more than 1 ounce of spirits.

#### § 13.226. Food, supplies and equipment.

(a) The sponsor is responsible for providing all supplies and equipment associated with an in-store tasting event subject to Board approval, including dump buckets, water glasses, tasting containers and tables.

(b) The sponsor shall provide food, such as cheese and crackers, for consumption by consumers during the in-store tasting event.

(c) The sponsor shall be in compliance with applicable municipal health codes.

#### § 13.227. Participation by Board employees.

(a) Board employees may not pour, dispense or serve tastings to the public. Board employees may not encourage consumer participation in the event.



(b) Board employees may give general information, such as sponsor, time and date, regarding the in-store tasting event to the public.

(c) On-duty employees of the State Liquor Store where the in-store tasting event is being conducted may not consume beverage alcohol.

§ 13.228. Disposal of unused alcohol and empty containers.

(a) At the conclusion of the in-store tasting event, sponsors shall discard unused portions of opened liquor containers at the State Liquor Store.

(b) Sponsors shall dispose of all empty liquor containers in accordance with section 491(5) of the Liquor Code (47 P. S. § 4-491(5)).

(c) Unused product, bottles or containers may not be furnished to employees of the Board.

§ 13.229. Advertising.

Advertising of the in-store tasting event by the sponsor is subject to prior Board approval.

Subchapter E. SAMPLES

Sec.

13.231. General provisions.

§ 13.231. General provisions.

(a) Samples may be provided by manufacturers or their representatives, licensed distributors and importing distributors to unlicensed customers. Samples of liquor to licensed customers shall conform to § 13.81 (relating to samples of liquor).

(b) Samples shall be in unopened containers of the smallest commercially available size.

(c) Providing samples may not be conditioned upon any purchase requirement.

(d) Samples may not be opened or consumed on State Liquor Store premises or distributor or importing distributor licensed premises.

(e) Samples are limited to one container per patron in any offering.

CHAPTER 15. SPECIAL RULES OR ADMINISTRATIVE PRACTICE AND PROCEDURE REGARDING MATTERS BEFORE THE OFFICE OF ADMINISTRATIVE LAW JUDGE

Subchapter E. PENALTIES

§ 15.62. Suspensions and revocations.

\* \* \* \* \*

(d) When a license application for transfer is pending and the transferor has an outstanding license suspension imposed by the Office of Administrative Law Judge that has not yet been served and cannot be served because the premises is not in operation, the transferee shall either serve the suspension upon approval of the transfer, or request that the suspension be converted to a fine to be paid by the transferee upon approval of the transfer, subject to § 7.10 (relating to conversion of suspension to fine).

[Pa.B. Doc. No. 04-1196. Filed for public inspection July 2, 2004, 9:00 a.m.]

# NOTICES

## DELAWARE RIVER BASIN COMMISSION

### Meeting and Public Hearing

The Delaware River Basin Commission (Commission) will hold an informal conference followed by a public hearing on Tuesday, July 13, 2004. The hearing will be part of the Commission's regular business meeting. Both the conference session and business meeting are open to the public and will be held in West Trenton, NJ.

The conference among the commissioners and staff will begin at 9:30 a.m. Topics of discussion will include: an update on the Water Resources Plan for the Delaware River Basin (Basin Plan) and the Watershed Summit scheduled for September 13-15, 2004; a proposed resolution for the minutes to finalize and produce copies of the Basin Plan for the Watershed Summit; a summary and discussion of feedback from commissioners and the Water Quality Advisory Committee on the Lower Delaware Water Quality Monitoring Report and on a staff recommendation that the Lower Delaware be designated a Special Protection Water; a discussion regarding the role of project review in connection with an upgrade of an undocketed point source discharge to Special Protection Waters; a discussion regarding preliminary feedback and alternatives to a draft rule to require waste minimization plans for point and nonpoint dischargers; report and recommendations of the Data Quality Subcommittee of the Toxics Advisory Committee; and an update on letters to be sent to dischargers to require additional monitoring in accordance with DRBC Resolution No. 2003-27.

The subjects of the public hearing to be held during the 1:30 p.m. business meeting include the following dockets:

1. *TXU Pedricktown Cogeneration Co., L. P. D-92-37 2.* An application for the renewal of a ground water withdrawal project to continue withdrawal of 24.55 million gallons per 30 days (mg/30 days) to supply the applicant's cogeneration facility from existing Wells PW-1—PW-3 in the Potomac-Raritan-Magothy Formation in the Oldmans Creek Watershed. The project is located in Oldmans Township, Salem County, NJ.

2. *Pennsylvania American Water Company D-99-30 CP 2.* An application for approval of a ground water withdrawal project to supply up to 5.83 mg/30 days of water to the applicant's Glen Alsace public water supply distribution system from replacement Well GL-2A in the Brunswick Formation and to retain the existing withdrawal from all wells at 50 mg/30 days. Proposed replacement Well GL-2A will replace former Well GL-2 and is planned to be used as a regular source to the Glen Alsace distribution system. The project also includes two existing interconnections from the Reading Area Water Authority (45 mg/30 days) and the Mount Penn Water Authority (6 mg/30 days). The project is located in the Antietam Creek Watershed in Exeter Township, Berks County.

3. *Evesham Municipal Utilities Authority D-2000-29 CP.* An application to modify the discharge of the applicant's Elmwood sewage treatment plant (STP) to allow for rerouting of up to 0.3 million gallons per day (mgd) of treated effluent for irrigation of the Evesham Township Indian Spring Golf Course, located approximately 1/2 mile southwest of the STP off Marlton Pike and Elmwood

Road in Evesham Township, Burlington County, NJ. The project withdrawal will replace the 0.2 mgd of water currently utilized from an onsite well in the New Jersey Critical Area of the PRM aquifer. The STP will continue to discharge an average monthly flow of 1.67 mgd to the Southwest Branch Rancocas Creek during periods of peak usage.

4. *Town of Bovina D-2002-18 CP.* An application to construct a subsurface septic treatment system to process up to 0.025 mgd from the Hamlet of Bovina Center in the Town of Bovina, Delaware County, NY, which is adjacent to the Little Delaware River upstream from the Cannonsville Reservoir in the West Branch Delaware River Watershed. The Hamlet of Bovina Center is currently served by individual septic systems, many of which are failing. Following detention and treatment in large septic tanks, wastewater will be distributed to an absorption field for final treatment and disposal; therefore, no discharge to surface water is proposed.

5. *Village of Fleischmanns D-2002-33 CP.* An application to construct a 0.146 mgd STP to replace onlot septic systems and to provide tertiary level treatment to the predominantly residential area of the Village of Fleischmanns in the Town of Middletown, Delaware County, NY. The plant will be constructed off Main Street between Grocholl and Town Roads, within the Village of Fleischmanns, which it will exclusively serve. Following chemically enhanced sequencing batch reactor processing, STP effluent will be filtered, disinfected and discharged to Bush Kill upstream from the Pepacton Reservoir in the drainage area of Commission Special Protection Waters.

6. *Borough of East Greenville D-2004-3 CP.* An application for approval of a ground water withdrawal project to supply up to 10.368 mg/30 days of water to the applicant's public water distribution system from existing Well 1 in the Brunswick Formation and up to 350,000 gallons per day from an intake on the Perkiomen Creek and to limit the withdrawal from all sources to 10.5 mg/30 days. The project well is located in the Perkiomen-Macoby Creek Watershed in Upper Hanover Township, Montgomery County in the Southeastern Pennsylvania Ground Water Protected Area.

7. *Delaware Valley Fish Company D-2004-8 1.* An application for a ground water withdrawal project to increase withdrawal from 2.8 mg/30 days to 5.7 mg/30 days of water to supply the applicant's fish holding tanks from existing Well DV-1 in the Stockton Formation. The project is located in the Stony Creek Watershed in Norristown Borough, Montgomery County in the Southeastern Pennsylvania Ground Water Protected Area.

8. *Vineland Kosher Poultry Company, Inc. D-2004-9.* An application for approval of a ground water withdrawal project to supply up to 7.2 mg/30 days of water to the applicant's poultry processing facility from new Well 4 in the Kirkwood-Cohansey Formation and to retain the existing withdrawal from all wells of 7.2 mg/30 days. The project well is located in the Maurice River Watershed in the City of Vineland, Cumberland County, NJ.

9. *Riverton Borough D-2004-14 CP.* An application to revise Doc. D-89-92 CP to reflect the recent construction of a sequencing batch reactor system needed to replace the trickling filter process at the Riverton STP, which is located at the intersection of Third Street and Martha's Lane in Riverton Borough, Burlington County, NJ. The project modification continues to provide secondary treat-

ment and effluent equalization, plus ultraviolet light disinfection prior to submerged discharge to the Pompeston Creek at its confluence with the Delaware River in Water Quality Zone 2. The wastewater treatment capacity has remained at 0.22 mgd and the plant will continue to serve only Riverton Borough.

10. *Tidewater Utilities, Inc. D-2004-24 CP 1*. An application for approval of a ground water withdrawal project to supply up to 18.5055 mg/30 days of water to the applicant's public supply distribution system from Wells C01, C02, RG01, RG02, GG02 and GG03 in the Cheswold Formation and to limit the existing withdrawal from all wells to 18.5055 mg/30 days. The project is located in the Saint Jones River Watershed in the Towns of Camden and Wyoming and the City of Dover, Kent County, DE.

The Commission's 1:30 p.m. business meeting also may include resolutions for the minutes to finalize and produce copies of the Basin Plan; initiate notice and comment rulemaking processes to amend the *Water Quality Regulations, Water Code and Comprehensive Plan* by: (1) authorizing the Commission to require waste minimization plans for certain pollutants and classes of dischargers; and (2) designating the section of the main stem Delaware River known as the "Lower Delaware" as a Special Protection Water. These actions will depend upon

the outcome of discussion during the morning conference session. In addition, the meeting will include: adoption of the minutes of the June 2, 2004, business meeting; announcements; a report on Basin hydrologic conditions; a report by the executive director; and a report by the Commission's general counsel.

Draft dockets scheduled for public hearing on July 13, 2004, are posted on the Commission's website: [www.drbc.net](http://www.drbc.net) (select "Next DRBC Meeting"). Additional documents regarding the dockets and other items may be examined at the Commission's offices. Contact William Muszynski at (609) 883-9500, Ext. 221 with docket-related questions.

Individuals in need of an accommodation as provided for in the Americans With Disabilities Act who wish to attend the informational meeting, conference session or hearings should contact the Commission Secretary directly at (609) 883-9500, Ext. 203 or through the Telecommunications Relay Services (TRS) at 711, to discuss how the Commission may accommodate their needs.

PAMELA M. BUSH,  
Secretary

[Pa.B. Doc. No. 04-1197. Filed for public inspection July 2, 2004, 9:00 a.m.]

## DEPARTMENT OF BANKING

### Action on Applications

The Department of Banking, under the authority contained in the act of November 30, 1965 (P. L. 847, No. 356), known as the Banking Code of 1965; the act of December 14, 1967 (P. L. 746, No. 345), known as the Savings Association Code of 1967; the act of May 15, 1933 (P. L. 565, No. 111), known as the Department of Banking Code; and the act of December 19, 1990 (P. L. 834, No. 198), known as the Credit Union Code, has taken the following action on applications received for the week ending June 22, 2004.

#### BANKING INSTITUTIONS

##### Mutual Holding Company Reorganization

<i>Date</i>	<i>Name of Corporation</i>	<i>Location</i>	<i>Action</i>
6-18-04	First Savings Bank of Perkasio Perkasio Bucks County	Perkasio	Effective
	Represents reorganization into a mutual holding company to be known as FSB Mutual Holdings, Inc., Perkasio, PA, parent company of FSB Bankshares Corporation. First Savings Bank of Perkasio will be a wholly-owned subsidiary of FSB Bankshares Corporation, a newly-formed stock holding company, who in turn is a subsidiary of FSB Mutual Holdings, Inc., a newly-formed mutual holding company.		

##### Holding Company Acquisitions

<i>Date</i>	<i>Name of Corporation</i>	<i>Location</i>	<i>Action</i>
6-10-04	Susquehanna Bancshares, Inc., Lititz, acquired 100% of the voting shares of Patriot Bank Corp., Pottstown, and so indirectly acquired Patriot Bank, Pottstown	Lititz	Effective
6-10-04	National Penn Bancshares, Inc., Boyertown, acquired 100% of the voting shares of Peoples First, Inc., Oxford, and so indirectly acquired The Peoples Bank of Oxford, Oxford	Boyertown	Effective

##### New Charters

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
6-18-04	Penn Liberty Bank Wayne Delaware County	Wayne	Approved

**Conversions**

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
6-18-04	First Savings Bank of Perkasio Perkasio Bucks County	Perkasio	Effective

Represents conversion from a State-chartered mutual savings bank to a State-chartered stock savings bank in conjunction with the reorganization into a mutual holding company form of ownership listed previously.

**Consolidations, Mergers and Absorptions**

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
6-10-04	Equity Bank, Marlton, NJ, and Patriot Bank, Pottstown, PA	Marlton, NJ	Effective
	Surviving Institution—Equity Bank, Marlton, NJ, with a subsequent change in title to Susquehanna Patriot Bank (refer to Holding Company Acquisitions)		
6-11-04	National Penn Bank, Boyertown, and The Peoples Bank of Oxford, Oxford	Boyertown	Effective
	Surviving Institution—National Penn Bank, Boyertown (refer to Holding Company Acquisitions)		
6-14-04	Mid Penn Bank Millersburg Dauphin County	Millersburg	Effective
	Purchase of certain assets/assumption of certain liabilities of one branch of Vartan National Bank, Dauphin		
	Located at: *Allegheny and Swatara Streets Dauphin Dauphin County		
	*Note: Mid Penn Bank will transfer the loans and deposits of the branch office to its existing office in Dauphin. Vartan National Bank will close the Allegheny and Swatara Streets office.		

**Branch Applications**

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
6-11-04	Citizens Bank of Pennsylvania Philadelphia Philadelphia County	Acme 501 East Evesham Road Runnemede Camden County, NJ	Opened
6-17-04	Citizens Bank of Pennsylvania Philadelphia Philadelphia County	Application to establish eight branch offices in Giant Supermarkets at the following locations: 3935 Perkiomen Avenue Reading Berks County 32nd Street and Trindle Road Camp Hill Cumberland County 255 South Spring Garden Street Carlisle Cumberland County 450 East Main Street Middletown Dauphin County 550 Centerville Road Lancaster Lancaster County 3175 Cape Horn Road Red Lion York County	Filed

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
		2415 East Market Street York York County	
		1750 Loucks Road York York County	

**SAVINGS INSTITUTIONS**

No activity.

**CREDIT UNIONS**

No activity.

A. WILLIAM SCHENCK, III,  
*Secretary*

[Pa.B. Doc. No. 04-1198. Filed for public inspection July 2, 2004, 9:00 a.m.]

**DEPARTMENT OF CONSERVATION AND NATURAL RESOURCES**

**Snowmobile and ATV Advisory Committee Meeting**

The Snowmobile and ATV Advisory Committee of the Department of Conservation and Natural Resources (Department) will hold a meeting on Thursday, July 15, 2004, at 9:30 a.m. in Room 105, First Floor, Rachel Carson State Office Building, 400 Market Street, Harrisburg, PA.

Questions concerning this meeting or agenda items should be directed to Anthony DiGirolomo, (717) 787-9306.

Persons in need of accommodations as provided for in the Americans With Disabilities Act of 1990 should contact Anthony DiGirolomo at (717) 787-9306 or through the Pennsylvania AT&T Relay Service at (800) 654-5984 (TDD) to discuss how the Department may accommodate their needs.

MICHAEL F. DIBERARDINIS,  
*Secretary*

[Pa.B. Doc. No. 04-1199. Filed for public inspection July 2, 2004, 9:00 a.m.]

**DEPARTMENT OF ENVIRONMENTAL PROTECTION**

**Applications, Actions and Special Notices**

**APPLICATIONS**

**THE CLEAN STREAMS LAW AND THE FEDERAL CLEAN WATER ACT  
APPLICATIONS FOR NATIONAL POLLUTION DISCHARGE ELIMINATION  
SYSTEM (NPDES) PERMITS AND WATER QUALITY MANAGEMENT (WQM)  
PERMITS**

This notice provides information about persons who have applied for a new, amended or renewed NPDES or WQM permit, a permit waiver for certain stormwater discharges or submitted a Notice of Intent (NOI) for coverage under a general permit. The applications concern, but are not limited to, discharges related to industrial, animal or sewage waste, discharges to groundwater, discharges associated with municipal separate storm sewer systems (MS4), stormwater associated with construction activities or concentrated animal feeding operations (CAFOs). This notice is provided in accordance with 25 Pa. Code Chapters 91 and 92 and 40 CFR Part 122, implementing The Clean Streams Law (35 P. S. §§ 691.1—691.1001) and the Federal Clean Water Act.

<i>Location</i>	<i>Permit Authority</i>	<i>Application Type or Category</i>
Section I	NPDES	Renewals
Section II	NPDES	New or amendment
Section III	WQM	Industrial, sewage or animal waste; discharge into groundwater
Section IV	NPDES	MS4 individual permit

<i>Location</i>	<i>Permit Authority</i>	<i>Application Type or Category</i>
Section V	NPDES	MS4 permit waiver
Section VI	NPDES	Individual permit stormwater construction
Section VII	NPDES	NOI for coverage under NPDES general permits

For NPDES renewal applications in Section I, the Department of Environmental Protection (Department) has made a tentative determination to reissue these permits for 5 years subject to effluent limitations and monitoring and reporting requirements in their current permits, with appropriate and necessary updated requirements to reflect new and changed regulations and other requirements.

For applications for new NPDES permits and renewal applications with major changes in Section II, as well as applications for MS4 individual permits and individual stormwater construction permits in Sections IV and VI, the Department, based upon preliminary reviews, has made a tentative determination of proposed effluent limitations and other terms and conditions for the permit applications. These determinations are published as proposed actions for comments prior to taking final actions.

Unless indicated otherwise, the EPA Region III Administrator has waived the right to review or object to proposed NPDES permit actions under the waiver provision in 40 CFR 123.24(d).

Persons wishing to comment on an NPDES application are invited to submit a statement to the regional office noted before an application within 30 days from the date of this public notice. Persons wishing to comment on a WQM permit application are invited to submit a statement to the regional office noted before the application within 15 days from the date of this public notice. Comments received within the respective comment periods will be considered in the final determinations regarding the applications. Comments should include the name, address and telephone number of the writer and a concise statement to inform the Department of the exact basis of a comment and the relevant facts upon which it is based.

The Department will also accept requests for a public hearing on applications. A public hearing may be held if the responsible office considers the public response significant. If a hearing is scheduled, a notice of the hearing will be published in the *Pennsylvania Bulletin* and a newspaper of general circulation within the relevant geographical area. The Department will postpone its final determination until after a public hearing is held.

Persons with a disability who require an auxiliary aid, service, including TDD users, or other accommodations to seek additional information should contact the Department through the Pennsylvania AT&T Relay Service at (800) 654-5984.

### **I. NPDES Renewal Applications**

*Northeast Region: Water Management Program Manager, 2 Public Square, Wilkes-Barre, PA 18711-0790.*

<i>NPDES Permit No. (Type)</i>	<i>Facility Name and Address</i>	<i>County and Municipality</i>	<i>Stream Name (Watershed No.)</i>	<i>EPA Waived Y/N ?</i>
PA0060968	Aldick Associates, Inc. d/b/a Swatara Village 101 Swatara Drive Pine Grove, PA 17963-9774	Pine Grove Township Schuylkill County	Swatara Creek CWF 7d	Y
PA0063941	Micropack Corp. 5 Commonwealth Road, Suite 3A Natick, MA 01760	Lower Towamensing Township Carbon County	Aquashicola Creek 2B	Y

*Southcentral Region: Water Management Program Manager, 909 Elmerton Avenue, Harrisburg, PA 17110, (717) 705-4707.*

<i>NPDES Permit No. (Type)</i>	<i>Facility Name and Address</i>	<i>County and Municipality</i>	<i>Stream Name (Watershed No.)</i>	<i>EPA Waived Y/N ?</i>
PA0038130 SEW	Mont Alto Municipal Authority Box 430 Mont Alto, PA 17237-0430	Franklin County Mont Alto Borough	West Branch Little Antietam 13-C	Y

*Northcentral Region: Water Management Program Manager, 208 West Third Street, Williamsport, PA 17701.*

<i>NPDES Permit No. (Type)</i>	<i>Facility Name and Address</i>	<i>County and Municipality</i>	<i>Stream Name (Watershed No.)</i>	<i>EPA Waived Y/N ?</i>
PA0112445 IW	P & N Packing, Inc. R. R. 2 Box 180 Wyalusing, PA 18853	Terry Township Bradford County	North Branch Susquehanna River 4-D	Y

### **II. Applications for New or Expanded Facility Permits, Renewal of Major Permits and EPA Nonwaived Permit Applications**

*Southcentral Region: Water Management Program Manager, 909 Elmerton Avenue, Harrisburg, PA 17110, (717) 705-4707.*

**PAS223502**, Industrial Waste, SIC Code 3210, **Frey Brothers, Inc.**, 372 Puseyville Road, Quarryville, PA 17566. This facility is in East Drumore Township, **Lancaster County**.

Description of activity: Issuance of an NPDES permit for new stormwater storage ponds to collect stormwater runoff from mulch piles.

The facility is in the drainage basin of an unnamed tributary of the West Branch of the Octoraro Creek and downgradient from the stormwater storage ponds (Watershed 7-K) and classified for HQ CWF, water supply, recreation and fish consumption. The nearest downstream public water supply intake for the Navy Training Center is on the Susquehanna River, approximately 37 miles downstream. The discharge is not expected to affect the water supply.

The proposed monitoring requirements for Monitoring Wells 1 to 8 are:

<i>Parameter</i>	<i>Concentration (mg/l)</i>		
	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
pH			shall be monitored quarterly
NO <sub>3</sub> -N			shall be monitored quarterly
COD			shall be monitored quarterly
Total Dissolved Solids			shall be monitored quarterly
Total Suspended Solids			shall be monitored quarterly
Color			shall be monitored quarterly
Total Phenols			shall be monitored quarterly
Dissolved Oxygen			shall be monitored quarterly

Individuals may make an appointment to review the Department files on this case by calling the File Review Coordinator at (717) 705-4732.

The EPA waiver is in effect.

**PA0085677, Amendment No. 1**, Groundwater Cleanup, **Harley-Davidson Motor Company Operations, Inc.**, 1425 Eden Road, York, PA 17402. The facility is in Springettsbury Township, **York County**.

Description of activity: A proposed amendment of the NPDES permit for an existing discharge of up to 0.576 million gallons of treated groundwater per day.

The receiving stream, unnamed tributary of Codorus Creek, is in Watershed 7-H and classified for WWF, water supply, recreation and fish consumption. The nearest downstream public water supply intake for the Wrightsville Water Supply Co. is approximately 17 miles downstream on the Susquehanna River. The discharge is not expected to adversely affect the water supply.

The proposed effluent limitations and monitoring requirements for Outfall 003 are:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Maximum Daily (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
pH (S. U.)		6.0 to 9.0 at all times	
1,1-Dichloroethylene	0.0005	0.001	0.00125
Tetrachloroethylene	0.001	0.002	0.0025
Trichloroethylene	0.00375	0.0075	0.0094
Methylene Chloride	XXX	Monitor and Report	XXX
Vinyl Chloride	XXX	Monitor and Report	XXX
cis-1,2-Dichloro-ethylene	XXX	Monitor and Report	XXX

Individuals may make an appointment to review the Department files on this case by calling the File Review Coordinator at (717) 705-4732.

The EPA waiver is in effect.

**PA0052396**, SIC Codes 3321, 3322, 3365 and 3644, Industrial Waste, **O-Z Gedney LLC**, 150 Birch Hill Road, Shoemakersville, PA 19555. This application is for renewal of an NPDES permit for an existing discharge of treated industrial waste to an unnamed tributary of the Schuylkill River in Perry Township, **Berks County**.

The receiving stream is classified for WWF, recreation, water supply and aquatic life. For the purpose of evaluating effluent requirements for TDS, NO<sub>2</sub>-NO<sub>3</sub>, fluoride and phenolics, the existing downstream potable water supply intake considered during the evaluation was the Pottstown Borough on the Schuylkill River. The discharge is not expected to impact any potable water supply.

The proposed effluent limits for Outfall 001 for a design flow of 0.042 MGD are:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Maximum Daily (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
Flow			
pH			Monitor and Report
Temperature			6.0 to 9.0 S. U. at all times as required each month

The proposed effluent limits for Outfall 002 are:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Maximum Daily (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD			Monitor and Report
Oil and Grease			Monitor and Report

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Maximum Daily (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
TSS		Monitor and Report	
Total Chromium		Monitor and Report	
Total Cadmium		Monitor and Report	
Total Zinc		Monitor and Report	
COD		Monitor and Report	
pH		Monitor and Report	
Total Lead		Monitor and Report	
Total Copper		Monitor and Report	
Total Arsenic		Monitor and Report	
Total Iron		Monitor and Report	

Individuals may make an appointment to review the Department files on this case by calling Mary DiSanto, File Review Coordinator, (717) 705-4732.

The EPA waiver is in effect.

**PA0042137**, Industrial Waste, SIC Code 2851, **The Glidden Company**, 301 Bern Street, Reading, PA 19601-1252. This facility is in Reading City, **Berks County**.

Description of activity: Renewal of an NPDES permit for a existing discharge of treated industrial waste.

The receiving stream, Bernhart Creek, is in Watershed 3-C and classified for WWF, water supply, recreation and fish consumption. The nearest downstream public water supply intake for Pottstown Borough is on the Schuylkill River, approximately 22 miles downstream. The discharge is not expected to affect the water supply.

The proposed effluent limits for Outfalls 002—004 are:

<i>Parameter</i>	<i>Mass (lb/day)</i>		<i>Concentration (mg/l)</i>		<i>Instantaneous Maximum</i>
	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Average Monthly</i>	<i>Maximum Daily</i>	
pH					6.0 to 9.0 S. U. at all times.

Individuals may make an appointment to review the Department files on this case by calling the File Review Coordinator at (717) 705-4732.

The EPA waiver is in effect.

**PA0021601**, Sewage, **Hamburg Municipal Authority**, 61 North Third Street, Hamburg, PA 19526. This facility is in Hamburg Borough, **Berks County**.

Description of activity: Renewal of an NPDES permit for an existing discharge of treated sewage.

The receiving stream, Schuylkill River, is in Watershed 3-D and classified for WWF, water supply, recreation and fish consumption. The nearest downstream public water supply intake for Pottstown Borough is on the Schuylkill River, approximately 40 miles downstream. The discharge is not expected to affect the water supply.

The proposed effluent limits for Outfall 001 for a design flow of 1.0 MGD are:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Average Weekly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD <sub>5</sub>	25	40	50
Total Suspended Solids	30	45	60
NH <sub>3</sub> -N	20		40
Total Residual Chlorine	0.50		1.50
Dissolved Oxygen		minimum of 4.0 at all times	
pH		from 6.0 to 9.0 inclusive	
Fecal Coliform			
(5-1 to 9-30)		200/100 ml as a geometric average	
(10-1 to 4-30)		10,000/100 ml as a geometric average	

Individuals may make an appointment to review the Department files on this case by calling the File Review Coordinator at (717) 705-4732.

The EPA waiver is not in effect.

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*Southwest Region: Water Management Program Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745.*

**PA0003824**, Industrial Waste, SIC, 2899, **Nalco Company**, P. O. Box 391, Ellwood City, PA 16117. This application is for renewal of an NPDES permit to discharge and untreated cooling water and stormwater from the Nalco Ellwood City Plant (North and South Plant) in Franklin Township, **Beaver County**.

The following effluent limitations are proposed for discharge to the receiving waters, known as unnamed tributary to Connoquesnessing Creek, classified as a WWF with existing and/or potential uses for aquatic life, water supply and recreation. The first existing/proposed downstream potable water supply is the Beaver Falls Municipal Authority, below the discharge point.



Outfall 001: existing discharge, design flow of 0.1 mgd.

Parameter	Mass (lb/day)		Concentration (mg/l)		
	Average Monthly	Maximum Daily	Average Monthly	Maximum Daily	Instantaneous Maximum
Flow	Monitor and Report				
Temperature	110				
Total Residual Chlorine	Monitor and Report				
pH	not less than 6.0 nor greater than 9.0				

Outfall 002—006 and 013—015: existing discharge, design flow of N/A mgd.

Parameter	Mass (lb/day)		Concentration (mg/l)		
	Average Monthly	Maximum Daily	Average Monthly	Maximum Daily	Instantaneous Maximum
Discharge consists solely of uncontaminated stormwater runoff.					

The EPA waiver is in effect.

**PA0025992**, Sewage, **McCandless Township Sanitary Authority**, 9600 Perry Highway, Pittsburgh, PA 15237-5597. This application is for renewal of an NPDES permit to discharge treated sewage from the Longvue No. 1 STP in McCandless Township, **Allegheny County**.

The following effluent limitations are proposed for discharge to the receiving waters, known as Little Pine Creek, which are classified as a TSF with existing and/or potential uses for aquatic life, water supply and recreation. The first downstream potable water supply intake from this facility is the West View Water Authority—Ohio River.

Outfall 001: existing discharge, design flow of 1.2 mgd.

Parameter	Concentration (mg/l)			
	Average Monthly	Average Weekly	Maximum Daily	Instantaneous Maximum
CBOD <sub>5</sub>				
(5-1 to 10-31)	20	30		40
(11-1 to 4-30)	25	38		50
Suspended Solids	30	45		60
Ammonia Nitrogen				
(5-1 to 10-31)	1.9	2.8		3.8
(11-1 to 4-30)	2.8	4.2		5.6
Fecal Coliform				
(5-1 to 9-30)	200/100 ml as a geometric mean			
(10-1 to 4-30)	2,000/100 ml as a geometric mean			
Total Residual Chlorine				
(1st Month to 36th Month)	0.3			0.9
(37th Month to Expiration)	0.05			0.16
Dissolved Oxygen	not less than 6.0 mg/l			
pH	not less than 6.0 nor greater than 9.0			

The EPA waiver is not in effect.

Southwest Region: Oil and Gas Management Program Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745.

**PA0252646**, Industrial Waste, SIC, 4925, **CB Energy, Inc.**, 1271 Grandview Road, Oil City, PA 16301. This proposed facility is in St. Clair Township, **Westmoreland County**.

Description of Proposed Activity: Discharge of treated groundwater produced by dewatering of coal seams from which methane gas will be extracted.

The receiving stream, Conemaugh River, is classified for aquatic life, water supply and recreation. For the purpose of evaluating effluent requirements for TDS, chloride and sulfate, the existing downstream water supply considered during the evaluation is in Freeport, PA, approximately 62.5 miles downstream of the discharge point.

The proposed effluent limits for Outfall 001 are:

Parameter	Average Monthly	Maximum Daily	Instantaneous Maximum
Flow		0.2 mgd	
Iron (total)	3.5 mg/L		7 mg/L
Oil and Grease	15 mg/L		30 mg/L
TSS	30 mg/L		60 mg/L
Acidity	Monitor Only		
Alkalinity	Greater than Acidity		
pH	6 to 9 S. U.		
Chloride	Monitor Only		

<i>Parameter</i>	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
TDS	Monitor Only		
Osmotic Pressure	Monitor Only		

**PA0252611**, Industrial Waste, SIC, 4925, **CNX Gas Company, LLC**, 1800 Washington Road, Pittsburgh, PA 15241. This proposed facility is in Jackson Township, **Greene County**.

Description of Proposed Activity: Discharge of treated groundwater produced by dewatering of coal seams from which methane gas will be extracted.

The receiving stream, Blockhouse Run, is classified for aquatic life, water supply and recreation. For the purpose of evaluating effluent requirements for TDS, chloride and sulfate, the existing downstream water supply considered during the evaluation is in Greensboro, PA, approximately 39.5 miles downstream of the discharge point.

The proposed effluent limits for Outfall 001 are:

<i>Parameter</i>	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
Flow		0.007 mgd	
Iron (total)	3.5 mg/L		7 mg/L
Oil and Grease	15 mg/L		30 mg/L
TSS	30 mg/L		60 mg/L
Acidity	Monitor Only		
Alkalinity	Greater than Acidity		
pH	6 to 9 S. U.		
Chloride	Monitor Only		
TDS	Monitor Only		
Osmotic Pressure	Monitor Only		

*Northwest Region: Oil and Gas Management Program Manager, 230 Chestnut Street, Meadville, PA 16335-3481, (814) 332-6860.*

**PA0105295**, Industrial Waste, **Minard Run Oil Company—Dent Water Treatment Facility**, P. O. Box 18, Bradford, PA 16701. This proposed facility is in Lafayette Township, **McKean County**.

Description of Proposed Activity: Renewal of an existing discharge of treated industrial waste.

For the purpose of evaluating effluent requirements for TDS, phenolics, sulfate and chloride, the existing/proposed downstream potable water supply (stream and public water supplier) considered during the evaluation is the Tunungwant Creek at the PA/NY state border, approximately 13 miles below point of discharge.

The receiving stream, Lewis Run, is in watershed 16-C and classified for HQ CWF, aquatic life, water supply and recreation.

The proposed effluent limits for Outfall 002 are based on a maximum flow of 0.016 MGD.

<i>Parameter</i>	<i>Loadings</i>		<i>Concentrations</i>		
	<i>Average Monthly (lb/day)</i>	<i>Maximum Daily (lb/day)</i>	<i>Average Monthly (mg/l)</i>	<i>Maximum Daily (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
Flow (MGD)		0.016			
Total Suspended Solids			30		60
Oil and Grease			15		30
Total Iron			3.5		7.0
Osmotic Pressure (mOs/kg)			3,038	6,076	7,595
Benzene			0.475	0.95	1.19
Acidity				less than alkalinity	
Alkalinity			XX		
TDS			XX		
pH			6.0 to 9.0 standard units at all times		

XX—Monitor and Report

The EPA waiver is in effect.

### III. WQM Industrial Waste and Sewerage Applications under The Clean Streams Law (35 P. S. §§ 691.1—691.1001)

*Southcentral Region: Water Management Program Manager, 909 Elmerton Avenue, Harrisburg, PA 17110, (717) 705-4707.*

**WQM Permit No. 3874403, Amendment 04-1**, Sewerage, **Borough of Myerstown**, 101 East Washington Avenue, Myerstown, PA 17067-1142. This proposed facility is in Jackson Township, **Lebanon County**.

Description of Proposed Action/Activity: Re-rating of the ELCO Wastewater Treatment Facility.

**WQM Permit No. 0604408**, Sewerage, **Tulpehocken Township**, 22 Rehrersburg Road, P. O. Box 272, Rehrersburg, PA 19550. This proposed facility is in Tulpehocken Township, **Berks County**.

Description of Proposed Action/Activity: Construction of wastewater treatment plant, two pump stations, gravity sewer and a force main to serve the Mount Aetna Area.

**WQM Permit No. 0604409**, Sewerage, **Tulpehocken Township**, 22 Rehrersburg Road, P. O. Box 272, Rehrersburg, PA 19550. This proposed facility is in Tulpehocken Township, **Berks County**.

Description of Proposed Action/Activity: Construction of a wastewater treatment plant, pumpstation, gravity sewers and forcemain to serve the Village of Rehrersburg area.

*Northcentral Region: Water Management Program Manager, 208 West Third Street, Williamsport, PA 17701.*

**WQM Permit No. 0804201**, Industrial Waste 2011, **Taylor Packing Company, Inc.**, P. O. Box 188, Wyalusing, PA 18853. This proposed facility is in Wyalusing Township, **Bradford County**.

Description of Proposed Action/Activity: The applicant proposes to construct and operate an anaerobic lagoon biogas collection system. The biogas fuel will be used in the plant boiler.

*Southwest Region: Water Management Program Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745.*

**WQM Permit No. 0404403**, Sewerage, **Beaver County Corporation for Economic Development**, 250 Insurance Street, Suite 300, Beaver, PA 15009. This proposed facility is in Big Beaver Borough, **Beaver County**.

Description of Proposed Action/Activity: Application for the construction and operation of sanitary sewers and pump station to serve the CED Route 18 Business Park.

**WQM Permit No. 6304404**, Sewerage, **Empire Mortgage Inc.**, 11350 McCormick Road, Hunt Valley, MD 21031. This proposed facility is in Mount Pleasant Township, **Washington County**.

Description of Proposed Action/Activity: Application for the construction and operation of a small flow sewerage treatment facility on 18 Cherry Valley Road.

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#### **IV. NPDES Applications for Stormwater Discharges from MS4**

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#### **V. Applications for NPDES Waiver Stormwater Discharges from MS4**

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#### **VI. NPDES Individual Permit Applications for Discharges of Stormwater Associated with Construction Activities**

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*Southeast Region: Water Management Program Manager, 2 East Main Street, Norristown, PA 19401.*

<i>NPDES Permit No.</i>	<i>Applicant Name and Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI011504035	Immaculata University Park Lot F 1145 King Road Immaculata, PA 19345	Chester	East Whiteland	Schuylkill River EV

*Northeast Region: Water Management Program Manager, 2 Public Square, Wilkes-Barre, PA 18711-0790.*

*Northampton County Conservation District: Greystone Building, Gracedale Complex, Nazareth, PA 18064-9211, (610) 746-1971.*

<i>NPDES Permit No.</i>	<i>Applicant Name and Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI024804020	Monocacy Heights, L. P. 4383 Hecktown Rd. Suite J Bethlehem, PA 18020	Northampton	Bath Borough	Monocacy Creek HQ-CWF

*Pike County Conservation District: HC 6, Box 6770, Hawley, PA 18428, (570) 226-8220.*

<i>NPDES Permit No.</i>	<i>Applicant Name and Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI025204005	Goodwin Excavating William Goodwin HCR 1, Box 26A Paupack, PA 18451	Pike	Palmyra Township	Decker Creek HQ-CWF

*Wyoming County Conservation District: One Hollowcrest Complex, Tunkhannock, PA 18657, (570) 836-2589.*

<i>NPDES Permit No.</i>	<i>Applicant Name and Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI026603001	Department of Transportation District 4-0 Robert Doble P. O. Box 111 Scranton, PA 18501	Wyoming	Monroe Township	Bowmans Creek HQ-CWF

*Southcentral Region: Water Management Program Manager, 909 Elmerton Avenue, Harrisburg, PA 17110.*

<i>NPDES Permit No.</i>	<i>Applicant Name and Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI033804001	Arborgate, LTD 950 East Kerchner Avenue Myerstown, PA 17067	Lebanon	Jackson Township	UNT to Tulpehocken Creek TSF
PAI026703003	The Stephen Group, Inc. 4603 Compass Point Road Belcamp, MD 21017	York	East Hopewell Township	UNT to South Branch Muddy Creek HQ-CWF

*Northcentral Region: Water Management Program Manager, 208 West Third Street, Williamsport, PA 17701.*

*Centre Conservation District: 414 Holmes Ave., Bellefonte, PA 16823, (814) 355-6817,*

<i>NPDES Permit No.</i>	<i>Applicant Name and Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI041404009	Wiltree Townhomes 2056 Encinal Ave., No. 4 Alameda, CA 94501	Centre	College Township	UNT Thompson Run HQ-CWF

**VII. List of NOIs for NPDES and/or Other General Permit Types**

PAG-12	CAFOs
PAG-13	Stormwater Discharges from MS4

**MS4 Notices of Intent Received**

*Northeast Region: Water Management Program Manager, 2 Public Square, Wilkes-Barre, PA 18711-0790.*

<i>NPDES Permit No.</i>	<i>Applicant Name and Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>	<i>Department Protocol (Y/N)</i>
PAG132274	Plymouth Township 925 West Main Street Plymouth Township, PA 18651	Luzerne	Plymouth Township	Unnamed tributary to Susquehanna River Harveys Creek Susquehanna River	Y

**PUBLIC WATER SUPPLY (PWS) PERMIT**

Under the Pennsylvania Safe Drinking Water Act (35 P. S. §§ 721.1—721.17), the following parties have applied for a PWS permit to construct or substantially modify a public water system.

Persons wishing to comment on a permit application are invited to submit a statement to the office listed before the application within 30 days of this public notice. Comments received within the 30-day comment period will be considered in the formulation of the final determinations regarding the application. Comments should include the name, address and telephone number of the writer and a concise statement to inform the Department of Environmental Protection (Department) of the exact basis of a comment and the relevant facts upon which it is based. A public hearing may be held after consideration of comments received during the 30-day public comment period.

Following the comment period, the Department will make a final determination regarding the proposed permit. Notice of this final determination will be published in the *Pennsylvania Bulletin* at which time this determination may be appealed to the Environmental Hearing Board.

The permit application and any related documents are on file at the office listed before the application and are available for public review. Arrangements for inspection and copying information should be made with the office listed before the application.

Persons with a disability who require an auxiliary aid, service or other accommodations to participate during the 30-day public comment period should contact the office listed before the application. TDD users should contact the Department through the Pennsylvania AT&T Relay Service at (800) 654-5984.

**SAFE DRINKING WATER**

**Applications Received under the Pennsylvania Safe Drinking Water Act**

*Southwest Region: Water Supply Management Program Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745.*

**Permit No. 5266529**, Public Water Supply.

Applicant	<b>United Dairy, Inc. Fike's Division</b> 47 West Craig Street Uniontown, PA 15401
Township or Borough	Uniontown
Responsible Official	Timothy Griglack, Operations Manager United Dairy, Inc. Fike's Division 47 West Craig Street Uniontown, PA 15401
Type of Facility	Bottled Water Plant
Consulting Engineer	J. Scott Bush Company, P. C. 369 Stone Church Road Grindstone, PA 15442

Application Received Date May 26, 2004  
 Description of Action Purchase spring water from the Indian Creek Valley Water Authority and potable water from the Pennsylvania American Water Company for bottling.

*Central Office: Bureau Director, Water Supply and Wastewater Management, P. O. Box 8467, Harrisburg, PA 17105-8467.*

**Permit No. 9996417**, Public Water Supply.

Applicant **DS Waters of America, LP**  
 Township or Borough Mableton, GA  
 Responsible Official Tracy Casper, Quality Control Manager  
 Type of Facility Out-of-State Bottled Water System  
 Application Received Date June 15, 2004  
 Description of Action The applicant is requesting a major permit amendment to use the Georgia Mountain Spring source for their spring and distilled bottled water products. Bottled water to be sold in this Commonwealth under the brand names Crystal Springs Purified Water, Crystal Springs Distilled Water, Crystal Springs Spring Water with Fluoride, Crystal Springs Purified Water with Calcium, Georgia Mountain Water Distilled Water, Georgia Mountain Water Spring Water, Artic Mist Purified Water, Artic Mist Distilled Water, Crystal Springs Mountain Spring Water and Nursery Purified Water with Fluoride.

**MINOR AMENDMENT**

**Applications Received under the Pennsylvania Safe Drinking Water Act**

*Northwest Region: Water Supply Management Program Manager, 230 Chestnut Street, Meadville, PA 16335-3481.*

**Application No. 6188503-MA1**, Minor Amendment.

Applicant **Cooperstown Water Co.**  
 Township or Borough Cooperstown Borough, **Venango County**  
 Responsible Official Blaine E. Rhodes, President  
 Type of Facility PWS  
 Application Received Date June 14, 2004  
 Description of Action Installation of two NSF approved 1,200-gallon polyethylene tanks inside the existing concrete block water storage tank.

**WATER ALLOCATIONS**

**Applications received under the act of June 24, 1939 (P. L. 842, No. 365) (35 P. S. §§ 631—641) relating to the Acquisition of Rights to Divert Waters of this Commonwealth**

*Northeast Region: Water Supply Management Program Manager, 2 Public Square, Wilkes-Barre, PA 18711-0790.*

**WA48-339B**, Water Allocations, **Bethlehem Authority/City of Bethlehem**, 10 East Church Street, Bethlehem, PA 18018-6028, City of Bethlehem, **Northampton County**. The applicant is requesting the renewal of its existing water allocation permit for the Wild Creek supply. The Bethlehem Authority is also requesting the right to continue to take the entire flow at Wild Creek while maintaining a conservation release of 1.70 cfs or 1.1 million gpd from the Penn Forest Dam.

**LAND RECYCLING AND ENVIRONMENTAL REMEDIATION**

**UNDER ACT 2, 1995**

**PREAMBLE 1**

**Acknowledgment of Notices of Intent to Remediate Submitted under the Land Recycling and Environmental Remediation Standards Act (35 P. S. §§ 6026.101—6026.908).**

Sections 302—305 of the Land Recycling and Environmental Remediation Standards Act (act) require the Department of Environmental Protection (Department) to publish in the *Pennsylvania Bulletin* an acknowledgment noting receipt of Notices of Intent to Remediate. An acknowledgment of the receipt of a Notice of Intent to Remediate is used to identify a site where a person proposes to, or has been required to, respond to a release of a regulated substance at a site. Persons intending to use the Background Standard, Statewide Health Standard, the Site-Specific Standard or who intend to remediate a site as a special industrial area must file a Notice of Intent to Remediate with the Department. A Notice of Intent to Remediate filed with the Department provides a brief description of the location of the site, a list of known or suspected contaminants at the site, the proposed remediation measures for the site and a description of the intended future use of the site. A person who demonstrates attainment of one, a combination of the cleanup standards or who receives approval of a special industrial area remediation identified under the act will be relieved of further liability for the remediation of the site for any contamination identified in reports submitted to and approved by the Department. Furthermore, the person shall not be subject to citizen suits or other contribution actions brought by responsible persons not participating in the remediation.

Under sections 304(n)(1)(ii) and 305(c)(2) of the act, there is a 30-day public and municipal comment period for sites proposed for remediation using a Site-Specific Standard, in whole or in part, and for sites remediated as a special industrial area. This period begins when a summary of the Notice of Intent to Remediate is pub-

lished in a newspaper of general circulation in the area of the site. For the sites identified, proposed for remediation to a Site-Specific Standard or as a special industrial area, the municipality within which the site is located may request to be involved in the development of the remediation and reuse plans for the site if the request is made within 30 days of the date specified. During this comment period, the municipality may request that the person identified as the remediator of the site develop and implement a public involvement plan. Requests to be involved and comments should be directed to the remediator of the site.

For further information concerning the content of a Notice of Intent to Remediate, contact the environmental cleanup program manager in the Department regional office before which the notice appears. If information concerning this acknowledgment is required in an alternative form, contact the community relations coordinator at the appropriate regional office. TDD users may telephone the Department through the AT&T Relay Service at (800) 654-5984.

The Department has received the following Notices of Intent to Remediate:

*Southeast Region: Environmental Cleanup Program Manager, 2 East Main Street, Norristown, PA 19401.*

**Tioga Pipe Supply Co., Inc. Property**, City of Philadelphia, **Philadelphia County**. Darryl Borrelli, Manko, Gold, Katcher & Fox, LLP, 401 City Avenue, Suite 500, Bala Cynwyd, PA 19004 on behalf of David Keiser, Geaux Investment, Inc./Keiser General Partnership, 2450 Wheatshaf Lane, Philadelphia, PA 19137 has submitted a Notice of Intent to Remediate. Soils and groundwater at the site have been impacted by releases from two no. 2 fuel oil underground storage tanks. Site soils and groundwater are also impacted by metals, VOCs and polynuclear aromatic hydrocarbons from industrial operations.

**Montgomery Commons Shopping Center**, Montgomery Township, **Montgomery County**. Jeffrey Goudsward, Penn E & R, Inc., 2755 Bergey Road, Hatfield, PA 19440 on behalf of Donald Cafiero, Montgomery Commons Associates, LP c/o Pennmark, 1000 E. Germantown Pike, Suite A-2, Plymouth Meeting, PA 19462 has submitted a Notice of Intent to Remediate. This site is retail shopping center. A release of dry cleaning fluid containing tetrachloroethene (PCE) occurred from within a dry cleaning facility in Store L in the shopping center. Soils below the dry cleaner and an adjacent tenant space have been impacted with PCE and its breakdown products trichloroethene and cis-1,2-dichloroethene. The future use of the property is nonresidential for retail/commercial use. Proof of publication of notice in the *Reporter*, May 27, 2004.

*Southwest Region: Environmental Cleanup Program Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745.*

**JetNet Corporation**, Scott Township, **Allegheny County**. Andrew C. Martin, Andrew Martin Associates Inc., 2700 West 21st Street, Suite 16, Erie, PA 16506 (on behalf of Donald Sartore, JetNet Corporation, 100 Keystone Drive, Carnegie, PA 15106) has submitted a Notice of Intent to Remediate soil and groundwater contaminated with lead and antimony. The applicant proposes to remediate the site to meet the Statewide Health Standard.

## DETERMINATION FOR APPLICABILITY FOR MUNICIPAL WASTE GENERAL PERMITS

**Applications for Determination of Applicability for General Permit under the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003), the Municipal Waste Planning, Recycling and Waste Reduction Act (53 P. S. §§ 4000.101—4000.1904) and municipal waste regulations for a general permit to operate municipal waste processing facilities and/or the beneficial use of municipal waste.**

*Southwest Region: Regional Solid Waste Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745.*

**General Permit Application No. WMGR038SW010. General Trade Corporation**, 4158 Old William Penn Highway, Murrysville, PA 15668. The beneficial use of process waste tires as structural fill at the Central Preparation Plant, West Wheatfield Township, **Indiana County**. Request for determination of applicability was received in the regional office on June 11, 2004.

Comments concerning the application should be directed to David Eberle, Facilities Supervisor, Department of Environmental Protection, 400 Waterfront Drive, Pittsburgh, PA 15222-4745. Persons interested in obtaining more information about the general permit application should contact the Southwest Regional Office at (412) 442-4000. TDD users should contact the Department through the Pennsylvania Relay Service, (800) 654-5984. Public comments must be submitted within 30 days of this notice and may recommend revisions to and approval or denial of the application.

## OPERATE WASTE PROCESSING OR DISPOSAL AREA OR SITE

**Applications Received under the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003), the Municipal Waste Planning, Recycling and Waste Reduction Act (53 P. S. §§ 4000.101—4000.1904) and regulations to operate solid waste processing or disposal area or site.**

*Southeast Region: Regional Solid Waste Manager, 2 East Main Street, Norristown, PA 19401.*

**Permit Application No. 101662. ADC Recycling Corporation**, 1060 Conshohocken Road, Conshohocken, PA 19428, Plymouth Township, **Montgomery County**. Application was received for the reissuance of the existing solid waste permit for the ADC Recycling Corporation Transfer Station from the ADC Recycling Corporation to Plymouth Transfer LLC. Application was received by the Southeast Regional Office on June 15, 2004.

**Permit Application No. 100973. Republic Svc. of Pa.**, 4145 E. Baltimore Pike, Media, PA 19063, Philadelphia City, **Philadelphia County**. Application received for a 10-year renewal permit. The application was received by Southeast Regional Office on June 22, 2004.

## AIR QUALITY

### PLAN APPROVAL AND OPERATING PERMIT APPLICATIONS

#### NEW SOURCES AND MODIFICATIONS

The Department of Environmental Protection (Department) has developed an "integrated" plan approval, State operating permit and Title V operating permit program. This integrated approach is designed to make the permitting process more efficient for the Department, the regulated community and the public. This approach allows the

owner or operator of a facility to complete and submit all the permitting documents relevant to its application one time, affords an opportunity for public input and provides for sequential issuance of the necessary permits.

The Department has received applications for plan approvals and/or operating permits from the following facilities.

Copies of the applications, subsequently prepared draft permits, review summaries and other support materials are available for review in the regional office identified in this notice. Persons interested in reviewing the application files should contact the appropriate regional office to schedule an appointment.

Persons wishing to receive a copy of a proposed plan approval or operating permit must indicate their interest to the Department regional office within 30 days of the date of this notice and must file protests or comments on a proposed plan approval or operating permit within 30 days of the Department providing a copy of the proposed document to that person or within 30 days of its publication in the *Pennsylvania Bulletin*, whichever comes first. Interested persons may also request that a hearing be held concerning the proposed plan approval and operating permit. Comments or protests filed with the Department regional offices must include a concise statement of the objections to the issuance of the Plan approval or operating permit and relevant facts which serve as the basis for the objections. If the Department schedules a hearing, a notice will be published in the *Pennsylvania Bulletin* at least 30 days prior the date of the hearing.

Persons with a disability who wish to comment and require an auxiliary aid, service or other accommodation to participate should contact the regional office identified before the application. TDD users should contact the Department through the Pennsylvania AT&T Relay Service at (800) 654-5984.

Final plan approvals and operating permits will contain terms and conditions to ensure that the source is constructed and operating in compliance with applicable requirements in 25 Pa. Code Chapters 121–143, the Federal Clean Air Act (act) and regulations adopted under the act.

#### PLAN APPROVALS

**Plan Approval Applications Received under the Air Pollution Control Act (35 P. S. §§ 4001–4015) and 25 Pa. Code Chapter 127, Subchapter B that may have special public interest. These applications are in review and no decision on disposition has been reached.**

*Northeast Region: Air Quality Program, 2 Public Square, Wilkes-Barre, PA 18711-0790; Mark Wejkszner, New Source Review Chief, (570) 826-2531.*

**48-304-032: Victaulic Co. of America** (4901 Kess-leville Road, Easton, PA 18045) for modification of a cold core making process and associated air cleaning devices and installation of an additional air cleaning device at their facility in Forks Township, **Northampton County**.

**Intent to Issue Plan Approvals and Intent to Issue or Amend Operating Permits under the Air Pollution Control Act and 25 Pa. Code Chapter 127, Subchapter B. These actions may include the administrative amendments of an associated operating permit.**

*Southeast Region: Air Quality Program, 2 East Main Street, Norristown, PA 19401; Thomas McGinley, New Source Review Chief, (484) 250-5920.*

**09-0015F: Rohm and Haas** (200 Route 413, Bristol, PA 19007) to construct five natural gas and no. 2 fuel oil fired new boilers to replace two existing boilers at their Bristol facility in Bristol Township, **Bucks County**. This facility is a Title V facility. This replacement will result in NOx emission decrease by over 1 ton per year and VOC emissions increase by 4.88 tons per year. The Plan Approval and Operating Permit will contain recordkeeping requirements and operating restrictions designed to keep the facility operating within all applicable air quality requirements.

**23-0024D: Hanson Aggregates Pennsylvania, Inc.** (P. O. Box 231, Easton, PA 18044) for installation of two replacement baghouses that will control emissions from the secondary and tertiary crushing circuits at their Hanson Glen Mills Quarry—Hot Mix Asphalt Plant, the granite quarry and processing plant with hot mix asphalt plant/facility at 523 W. Forge Road, Glen Mills, PA 19342, Middletown Township, **Delaware County**. The installation of two replacement baghouses that will control emissions from the secondary and tertiary crushing circuits will result in the emissions of: 0.69 ton per year of PM, 0.33 ton per year of PM10 and 0.33 ton per year of particulate matter with an aerodynamic diameter of less than or equal to 2.5 micrometer body. The Plan Approval and Operating Permit will contain additional recordkeeping and operating restrictions designed to keep the facility operating within all applicable air quality requirements.

*Southcentral Region: Air Quality Program, 909 Elmerton Avenue, Harrisburg, PA 17110; Ronald Davis, New Source Review Chief, (717) 705-4702.*

**06-05078E: FR and S, Inc.** (727 Red Lane Road, Birdsboro, PA 19508) for installation of a second enclosed ground flare at the Pioneer Landfill to control emissions of landfill gas from a municipal solid waste landfill in Exeter Township, **Berks County**. The landfill is subject to 40 CFR Part 60, Subpart WWW, Standards of Performance for New Stationary Sources and Part 63, Subpart AAAA, National Emission Standards for Hazardous Air Pollutants from Municipal Solid Waste Landfills. The approval will include emissions rate limits and annual emission limits. The approval will include monitoring, work practices, recordkeeping and reporting requirements designed to keep the source operating within all applicable air quality requirements. The facility is presently covered by Title V Operating Permit 06-05078. The plan approval will be incorporated into this permit in accordance with 25 Pa. Code § 127.450.

*Southwest Region: Air Quality Program, 400 Waterfront Drive, Pittsburgh, PA 15222-4745; William Charlton, New Source Review Chief, (412) 442-4174.*

**56-232B: Waste Management, Inc.** (625 Charrington Parkway, Coraopolis, PA 15108) to allow expansion of their existing Shade Landfill, Inc. municipal solid waste disposal facility in Shade Township, **Somerset County**.

Under 25 Pa. Code §§ 127.44–127.48, the Department intends to issue a Plan Approval to allow the expansion of their existing Shade Landfill, Inc. municipal solid waste disposal facility in Shade Township, Somerset County. Emissions from the facility have been estimated at 56 tons of NOx per year, 72 tons of CO per year and 31 tons of NMOCs per year. The facility is subject to the operational, monitoring, recordkeeping, testing and reporting

requirements required by 40 CFR 60, Subpart WWW and 25 Pa. Code Chapter 127 and the Plan Approval has been conditioned accordingly. Copies of the Plan Approval application, the Department's analysis and the proposed Plan Approval are available for public inspection during normal business hours at the following address.

Persons wishing to oppose the plan approval may file a written protest. A 30-day comment period, from the date of this publication, will exist for the submission of protests. Written protests must contain the name, address and telephone number of the person filing the protest, identification of proposed Plan Approval PA-56-232B and a concise statement of the objections to the Plan Approval issuance and relevant facts upon which the objections are based.

A public hearing may be held, if the Department, in its discretion, decides that a hearing is warranted based on the information received. Persons submitting written protests or requesting a hearing will be notified of the decision to hold a hearing by publication in the *Pennsylvania Bulletin* or by telephone, where the Department determines notification by telephone is sufficient. Written comments or request for a public hearing should be directed to Barbara Hatch, Air Pollution Control Engineer, Department of Environmental Protection, Southwest Regional Office, 400 Waterfront Drive, Pittsburgh, PA 15222-4745, (412) 442-4000.

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**Intent to Issue Operating Permits under the Air Pollution Control Act and 25 Pa. Code Chapter 127, Subchapter F.**

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*Southeast Region: Air Quality Program, 2 East Main Street, Norristown, PA 19428; Edward Jurdones Brown, Facilities Permitting Chief, (484) 250-5920.*

**46-00129: Central Montgomery Medical Center** (100 Medical Campus Drive, Lansdale, PA 19446) for operation of their in-patient care facility in Hatfield Township, **Montgomery County**. The permit is for a non-Title V (State-only) facility. The facility's main sources include: three dual-fired boilers, each with a rated heat input capacity of 9.0 mmBtu/hr, and two diesel fueled emergency generators. The permit will include monitoring, recordkeeping and reporting requirements designed to keep the facility operating within all applicable air quality requirements.

**09-00173: P and R Industries, Inc.** (3826 Old Easton Road, Doylestown, PA 18901) for a non-Title V Facility, State-only, Natural Minor Operating Permit in Buckingham Township, **Bucks County**. P and R Industries, Inc. coats metal products to be used in industry with a protective PVC-type coating. The facility's major emission points are a fume incinerator and two boilers, from which the main pollutants emitted are PM and SOx. PM and SOx emissions from the facility each figure to be less than 1 ton per year. The permit will contain monitoring, recordkeeping, reporting and work practice standards designed to keep the facility operating within all applicable air quality requirements.

*Southcentral Region: Air Quality Program, 909 Elmerton Avenue, Harrisburg, PA 17110; Ronald Davis, New Source Review Chief, (717) 705-4702.*

**06-03012: Brenntag Northeast** (Pottsville Pike and Huller Lane, P. O. Box 13788, Reading, PA 19612-3788) for operation of their Leesport (Snyder Road) chemical distribution facility in Ontelaunee Township, **Berks County**. The facility has actual estimated emissions of 8 tons/yr of VOCs. The State-only operating permit will

include monitoring, recordkeeping, reporting requirements, emission restrictions and work practice standards designed to keep the facility operating within all applicable air quality requirements.

*Northcentral Region: Air Quality Program, 208 West Third Street, Williamsport, PA 17701; David Aldenderfer, Program Manager, (570) 327-3637.*

**41-00060: Frito Lay, Inc.** (220 North Reach Road, Williamsport, PA 17701) for their Frito Lay—Williamsport plant in the City of Williamsport, **Lycoming County**. The facility's main sources include 14 natural gas fired combustion units, 1 natural gas or propane fired combustion units, 4 snack food fryers, 5 ovens, 2 extruders, corn kettles, 1 corn clipper cleaner, 1 cold cleaning degreaser, 1 natural gas fired emergency generator and 2 corn meal storage silos. The facility has the potential to emit SOx, NOx, CO, PM (PM10), VOCs and HAPs below the major emission thresholds. The proposed operating permit contains all applicable regulatory requirements including monitoring, recordkeeping and reporting conditions.

**14-00034: Jostens Printing** (401 Science Park Road, State College, PA 16803) for their plant in Ferguson Township, **Centre County**. The facility's main sources include six two-color printing presses, four four-color printing presses, two conventional camera processors and three film processors. The facility has the potential to emit SOx, NOx, CO, PM (PM10), VOCs and HAPs below the major emission thresholds. The proposed operating permit contains all applicable regulatory requirements including monitoring, recordkeeping and reporting conditions.

**55-00020: Meckley's Limestone Products, Inc.** (R. D. 1 Box 1682, Herndon, PA 17830) for their facility in Franklin Township, **Snyder County**. The facility is a manufacture of hot mix asphalt for road and paving construction. The facility's sources include one aggregate dryer, hot mix asphalt plant and three storage tanks. These sources have the potential to emit PM/PM10, NOx, SOx, CO and VOCs below the major emission thresholds. The proposed operating permit contains all applicable regulatory requirements including monitoring, recordkeeping and reporting conditions.

**18-00017: Mill Hall Clay Products, Inc.** (44 Market Street, Mill Hall, PA 17751) for operation of their clay product manufacturing facility in Mill Hall Borough, **Clinton County**. The facility's main sources include 13 natural gas/propane fired kilns and a clay crushing and sizing operation. This facility has the potential to emit SOx, CO, NOx, VOCs, HAPs and PM10 below the major emission thresholds.

*Northwest Region: Air Quality Program, 230 Chestnut Street, Meadville, PA 16335-3481; Eric Gustafson Facilities Permitting Chief, (814) 332-6940.*

**10-00287: Minteq International Inc.** (395 Grove City Road, Slippery Rock, PA 16057) for a Natural Minor Permit to operate nonclay refectories in Slippery Rock Township, **Butler County**. Emission sources associated with this facility include mixers, dryers and mold shop. The facility has taken a restriction on VOC emissions from the facility. The VOC emissions shall not exceed 49 tons per year.

## COAL AND NONCOAL MINING ACTIVITY APPLICATIONS

Applications under the Surface Mining Conservation and Reclamation Act (52 P. S. §§ 1396.1—1396.19a); the



Noncoal Surface Mining Conservation and Reclamation Act (52 P. S. §§ 3301—3326); The Clean Streams Law (35 P. S. §§ 691.1—691.1001); the Coal Refuse Disposal Control Act (52 P. S. §§ 30.51—30.66); and The Bituminous Mine Subsidence and Land Conservation Act (52 P. S. §§ 1406.1—1406.21). Mining activity permits issued in response to applications will also address the applicable permitting requirements of the following statutes: the Air Pollution Control Act (35 P. S. §§ 4001—4015); the Dam Safety and Encroachments Act (32 P. S. §§ 693.1—693.27); and the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003).

The following permit applications to conduct mining activities have been received by the Department of Environmental Protection (Department). A copy of an application is available for inspection at the district mining office indicated before an application. Where a 401 Water Quality Certification is needed for any aspect of a particular proposed mining activity, the submittal of the permit application will serve as the request for certification.

Written comments, objections or requests for informal conferences on applications may be submitted by any person or any officer or head of any Federal, State or local government agency or authority to the Department at the district mining office indicated before an application within 30 days of this publication, or within 30 days after the last publication of the applicant's newspaper advertisement, as provided by 25 Pa. Code §§ 77.121—77.123 and 86.31—86.34.

Where any of the mining activities listed will have discharges of wastewater to streams, the Department will incorporate NPDES permits into the mining activity

permits issued in response to these applications. NPDES permits will contain, at a minimum, technology-based effluent limitations as identified in this notice for the respective coal and noncoal applications. In addition, more restrictive effluent limitations, restrictions on discharge volume or restrictions on the extent of mining which may occur will be incorporated into a mining activity permit, when necessary, for compliance with water quality standards (in accordance with 25 Pa. Code Chapters 93 and 95). Persons or agencies who have requested review of NPDES permit requirements for a particular mining activity within the previously mentioned public comment period will be provided with a 30-day period to review and submit comments on the requirements.

Written comments or objections should contain the name, address and telephone number of the person submitting comments or objections; the application number; and a statement of sufficient detail to inform the Department on the basis of comment or objection and relevant facts upon which it is based. Requests for an informal conference must contain the name, address and telephone number of requestor; the application number; a brief summary of the issues to be raised by the requestor at the conference; and a statement whether the requestor wishes to have the conference conducted in the locality of the proposed mining activities.

*Coal Applications Received*

*Effluent Limits*—The following coal mining applications that include an NPDES permit application will be subject to, at a minimum, the following technology-based effluent limitations for discharges of wastewater to streams:

<i>Parameter</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instantaneous Maximum</i>
Iron (total)	3.0 mg/l	6.0 mg/l	7.0 mg/l
Manganese (total)	2.0 mg/l	4.0 mg/l	5.0 mg/l
Suspended solids	35 mg/l	70 mg/l	90 mg/l
pH*		greater than 6.0; less than 9.0	
Alkalinity greater than acidity*			

\*The parameter is applicable at all times.

A settleable solids instantaneous maximum limit of 0.5 ml/l applied to: (1) surface runoff (resulting from a precipitation event of less than or equal to a 10-year 24-hour event) from active mining areas, active areas disturbed by coal refuse disposal activities and mined areas backfilled and revegetated; and (2) drainage (resulting from a precipitation event of less than or equal to a 1-year 24-hour event) from coal refuse disposal piles.

*Pottsville District Mining Office: 5 West Laurel Boulevard, Pottsville, PA 17901-2454, (570) 621-3118.*

**54040201. Reading Anthracite Company** (P. O. Box 1200, Pottsville, PA 17901), commencement, operation and restoration of a coal refuse reprocessing, preparation plant and coal refuse disposal operation in Butler, West Mahanoy and Union Townships, **Schuylkill County**, affecting 1,104.0 acres. Receiving streams: None. Application received June 16, 2004.

*Knox District Mining Office: White Memorial Building, P. O. Box 669, Knox, PA 16232-0669, (814) 797-1191.*

**16940103 and NPDES Permit No. PA0211974. RFI Energy, Inc.** (555 Philadelphia Street, Indiana, PA 15701), renewal of an existing bituminous surface strip,

tipple refuse disposal, coal ash placement and beneficial use of coal ash operation in Perry Township, **Clarion County**, affecting 764.0 acres. Receiving streams: unnamed tributaries to Allegheny River (WWF), unnamed tributary to Clarion River (CWF) and Dunlap Creek (WWF). The first downstream potable water supply intake from the point of discharge is the West Freedom Water Co. Application received June 17, 2004.

*Greensburg District Mining Office: Armbrust Building, R. R. 2 Box 603-C, Greensburg, PA 15601-0982, (724) 925-5500.*

**26000103 and NPDES Permit No. PA0202878. J. Construction Company** (R. R. 2, Box 626, Farmington, PA 15437), revision application at an existing bituminous surface mine for pump treated discharge water into the abandoned Pittsburgh seam deep mine pool in Fairchance Borough and Georges Township, **Fayette County**, affecting 7.0 acres. Receiving streams: Muddy Run (WWF). There is no potable water supply intake within 10 miles from the point of discharge. Revision application received June 14, 2004.

**65990107 and NPDES Permit No. PA0202657. Amerikohl Mining, Inc.** (P. O. Box 427, Acme, PA

15610), renewal application for reclamation only of an existing bituminous surface mine in Mt. Pleasant Township, **Westmoreland County**, affecting 55.6 acres. Receiving streams: unnamed tributaries to Jacobs Creek (CWF). There is no potable water supply intake within 10 miles from the point of discharge. Renewal application received June 14, 2004.

**03950113 and NPDES Permit No. PA0201529. Seven Sisters Mining Co., Inc.** (200 Route 22, P. O. Box 300, Delmont, PA 15626), renewal application received for operation and reclamation of a bituminous surface mine in Burrell and South Bend Townships, **Armstrong County**, affecting 93 acres. Receiving streams: unnamed tributary and Crooked Creek (WWF). There is no potable water supply intake within 10 miles from the point of discharge. Renewal application received June 16, 2004.

**63020102 and NPDES Permit No. PA0250309. Muligan Mining, Inc.** (5945 Pudding Stone Lane, Bethel

Park, PA 15102), application received to revise permit to include a variance to mine within 100 feet of a township road and add mining acreage at an existing bituminous surface mine in Smith Township, **Washington County**, affecting 107.6 acres. Receiving streams: unnamed tributaries to Little Raccoon Run to Little Raccoon Run to Raccoon Creek to the Ohio River, Raccoon Creek and unnamed tributaries to Raccoon Creek to Raccoon Creek to the Ohio River (WWF). The first downstream potable water supply intake from the point of discharge is greater than 10 miles downstream of the site. Application received June 21, 2004.

#### *Noncoal Applications Received*

*Effluent Limits*—The following noncoal mining applications that include an NPDES permit application will be subject to, at a minimum, the following technology-based effluent limitations for discharges of wastewater to streams:

<i>Parameter</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instantaneous Maximum</i>
Suspended solids	35 mg/l	70 mg/l	90 mg/l
pH*		greater than 6.0; less than 9.0	

\*The parameter is applicable at all times.

A settleable solids instantaneous maximum of 0.5 ml/l applied to surface runoff resulting from a precipitation event. If coal will be extracted incidental to the extraction of noncoal minerals, at a minimum, the technology-based effluent limitations identified under coal applications will apply to discharges of wastewater to streams.

*Pottsville District Mining Office: 5 West Laurel Boulevard, Pottsville, PA 17901-2454, (570) 621-3118.*

**67990301C and NPDES Permit No. PA02233999. Glen-Gery Corporation** (P. O. Box 7001, Wyomissing, PA 19610), renewal of NPDES Permit for discharge of treated mine drainage in Dover Township, **York County**. Receiving streams: unnamed tributary to Little Conewago Creek (TSF). The first downstream potable water supply intake from the point of discharge is the Pinchot Lake Intake. Application received June 8, 2004.

**58990817. Holgate Bros.** (P. O. Box 1, Hop Bottom, PA 18824), Stage I and II bond release for a quarry operation in Lenox Township, **Susquehanna County**, affecting 3.0 acres on property owned by Kevin and Larry Holgate. Application received June 17, 2004.

## FEDERAL WATER POLLUTION CONTROL ACT, SECTION 401

The following permit applications, requests for Environmental Assessment approval and requests for 401 Water Quality Certification have been received by the Department of Environmental Protection (Department). Section 401 of the Federal Water Pollution Control Act (FWPCA) (33 U.S.C.A. § 1341) requires the State to certify that the involved projects will not violate the applicable provisions of sections 301—303, 306 and 307 of the FWPCA (33 U.S.C.A. §§ 1311—1313, 1316 and 1317) as well as relevant State requirements. Persons objecting to approval of a request for certification under section 401 of the FWPCA or to the issuance of a Dam Permit, Water Obstruction and Encroachment Permit or the approval of an Environmental Assessment must submit comments, suggestions or objections within 30 days of the date of

this notice, as well as questions, to the regional office noted before the application. Comments should contain the name, address and telephone number of the person commenting, identification of the certification request to which the comments or objections are addressed and a concise statement of comments, objections or suggestions including the relevant facts upon which they are based.

The Department may conduct a fact-finding hearing or an informal conference in response to comments if deemed necessary. Individuals will be notified, in writing, of the time and place of a scheduled hearing or conference concerning the certification request to which the comment, objection or suggestion relates. Maps, drawings and other data pertinent to the certification request are available for inspection between 8 a.m. and 4 p.m. on each working day at the regional office noted before the application.

Persons with a disability who wish to attend a hearing and require an auxiliary aid, service or other accommodation to participate in the proceedings should contact the specified program. TDD users should contact the Department through the Pennsylvania AT&T Relay Service at (800) 654-5984.

**Applications received under the Dam Safety and Encroachments Act (32 P. S. §§ 693.1—693.27) and section 302 of the Flood Plain Management Act (32 P. S. § 679.302) and requests for certification under section 401 of the FWPCA (33 U.S.C.A. § 1341(a)).**

### WATER OBSTRUCTIONS AND ENCROACHMENTS

*Southeast Region: Water Management Program Manager, 2 East Main Street, Norristown, PA 19401.*

**E23-443. Transcontinental Gas Pipe Line Corporation**, 2800 Post Oak Boulevard, Level 17, Houston, TX 77056, Upper Chichester Township, **Delaware County**, ACOE Philadelphia District.

To maintain the existing Transcontinental Gas Pipe Line (Transco) at Naaman's Creek (WWF) by utilizing

four 8-foot long by 20-foot wide mat sections, associated with the Marcus Hook Main Line A. The site is approximately 800 feet west of the intersection of Bethel Road and Mill Road (Marcus Hook, PA-NJ-DE USGS Quadrangle N: 15.2 inches; W: 10.6 inches).

**E15-718. Borough of Avondale**, P. O. Box 247, Avondale, PA 19311, Borough of Avondale, **Chester County**, ACOE Philadelphia District.

To modify and maintain three reaches of stream as part of the stream restoration project for the East Branch of White Clay Creek Watershed. Work will include the following:

1. A 750 linear foot reach of Indian Run (CWF) between West State Street Bridge and the confluence of the creek by installing four treatment areas consisting of Branch Packing Stabilization and Boulder Toe Stabilization System.

2. A 225 linear foot reach of the creek immediately east of terminus of Miller Drive by installing two treatment areas consisting of "Boulder Toe Stabilization System and Tree Revetment."

3. A 2,034 linear foot reach of the creek between Third Street Bridge and SR 0041, by installing cross vane structures, J-hook structures, modifying the channels cross-section and relocating approximately 1,720 length of channel to add sinuosity to a reach with a linear meander geometry using natural channel design methods.

The project is within the Borough of Avondale (West Grove, PA Quadrangle N: 13.4 inches; W: 4.5 inches).

*Northeast Region: Water Management Program Manager, 2 Public Square, Wilkes-Barre, PA 18711-0790.*

**E45-468. Thomas Grlica**, H. C. 88, Box 111A, Pocono Lake, PA 18347 in Tobyhanna Township, **Monroe County**, U. S. Army Corps of Engineers, Philadelphia District.

To place fill in approximately 0.2 acre of PFO wetlands for the purpose of constructing a single-family dwelling and driveway on Lot 305, Section B of the Wagner Forest Residential Subdivision. The project is on the south side of SR 0940, approximately 500 feet west of SR 4003 (Blakeslee, PA Quadrangle N: 22.0 inches; W: 5.6 inches).

**E39-436. Milford Square, Maplewood, Inc.**, Warrington Mews Pavilion, Suite 27, Warrington, PA 18976 in Lower Milford Township, **Lehigh County**, U. S. Army Corps of Engineers, Philadelphia District.

1. To construct and maintain a road crossing consisting of twin cell 13-foot by 4.5-foot concrete box culverts across Saucon Creek (CWF) and the placement of fill in 0.21 acre of PEM/PSS/PFO wetlands.

2. To construct and maintain a stormwater swale through 0.01 acre of wetlands.

3. To construct and maintain a stormwater outfall channel through 0.03 acre of wetlands in the floodway of Saucon Creek.

4. To construct and maintain a driveway crossing consisting of the placement of fill and a 12-inch diameter RCP with rip-rap apron in 0.01 acre of wetlands for the purpose of providing access to Lot 32.

5. To construct and maintain a driveway crossing of a tributary to Saucon Creek consisting of a 27-foot long, 42-inch diameter RCP with concrete endwalls and rip-rap apron for the purpose of providing access to Lot 15.

6. To construct and maintain a driveway crossing of a tributary to Saucon Creek consisting of a 33-foot long, 60-inch diameter RCP with concrete endwalls and rip-rap apron for the purpose of providing access to Lot 16.

7. To construct and maintain a driveway crossing of a tributary to Saucon Creek consisting of a 23-foot long, 36-inch diameter RCP with concrete endwalls and rip-rap apron for the purpose of providing access to Lot 56.

8. To construct and maintain a driveway crossing consisting of the placement of fill in 0.01 acre of wetlands for the purpose of providing access to Lot 16.

9. To remove two existing road crossings and to construct and maintain a 1,172-foot stream enclosure consisting of 900 feet of 36-inch diameter RCP, 172 feet of 42-inch diameter RCP and 100 feet of 38-inch by 60-inch RCP in a tributary to Saucon Creek.

10. To construct and maintain an outfall structure consisting of a 30-inch diameter RCP, concrete endwall, rip-rap apron and a concrete level spreader in the floodway of Saucon Creek.

11. To construct and maintain an outfall structure consisting of a 24-inch diameter RCP, concrete endwall, rip-rap apron and a concrete level spreader in the floodway of Saucon Creek.

The project is northwest of the Chestnuthill Road and Churchview Road intersection (Milford Square, PA Quadrangle N: 22.0 inches; W: 11.5 inches).

**E35-376. City of Scranton**, 340 North Washington Avenue, Scranton, PA 18503 in the City of Scranton, **Lackawanna County**, U. S. Army Corps of Engineers, Baltimore District.

To construct and maintain a 10.0-foot wide pedestrian bridge having a span of 100 feet and an approximate underclearance of 21 feet across Roaring Brook (CWF). The project is in Nay Aug Park (Scranton, PA Quadrangle N: 4.9 inches; W: 1.8 inches).

**E40-637. Michael E. Daley**, R. R. 3, Box 3033, Harveys Lake, PA 18618 in Harveys Lake Borough, **Luzerne County**, U. S. Army Corps of Engineers, Baltimore District.

To modify and maintain an existing dock and boathouse in Harveys Lake, with work including repair and renovation of the existing boathouse and dock including repair/replacement of wooden and concrete pilings and construction of a new pile-supported deck area and boat garage. The existing structure extends approximately 43 feet from the shoreline, has an overall width of approximately 30 feet and has an areal coverage of approximately 1,030 square feet. As modified, the overall width of the structure will be increased by approximately 11 feet and the areal coverage increased by approximately 490 square feet. The project is at Pole 295 (Harveys Lake, PA Quadrangle N: 18.4 inches; W: 5.6 inches).

**E35-374. Lackawanna County Conservation District**, 1300 Old Plank Road, Mayfield, PA 18433 in Carbondale Township, **Lackawanna County**, U. S. Army Corps of Engineers, Baltimore District.

To construct and maintain approximately 240 linear feet of trapezoidal riprap-lined channel in Lees Creek (CWF), for the purpose of stabilizing the channel. The project is downstream of SR 6006 (Business Route 6) and immediately upstream of the Carbondale Township/Mayfield Borough boundary (Carbondale, PA Quadrangle N: 9.2 inches; W: 4.1 inches).

**E45-466. Effort United Methodist Church**, P. O. Box 545, Effort, PA 18330 in Chestnuthill Township, **Monroe County**, U. S. Army Corps of Engineers, Philadelphia District.

To modify and maintain a portion of the existing Effort United Methodist Church situated in the floodway of Pohopoco Creek (HQ-CWF). The proposed work includes: (1) an earthen berm along the upstream and streambanks of the church; (2) removal of fill between the church and the stream; and (3) an outfall structure in the Pohopoco Creek. The project is north of the intersection of SR 3009 (Merwinburg Road) in SR 3014 (Valley Road) (Brodheads ville, PA Quadrangle N: 13.8 inches; W: 10.2 inches).

*Southcentral Region: Water Management Program Manager, 909 Elmerton Avenue, Harrisburg, PA 17110.*

**E05-324: Everett Church of the Brethren**, 119 East 2nd Street, Everett, PA 15537 in the Borough of Everett, **Bedford County**, ACOE Baltimore District.

To remove 48 lineal feet of an existing 143-foot long, 5-foot by 8-foot and 6-foot by 10-foot enclosure and to construct and maintain 48 lineal feet of 7-foot by 10-foot open bottom concrete culvert at a point (Everett East, PA Quadrangle N: 2.5 inches; W: 17.1 inches), approximately 162 feet east of 2nd Street on an unnamed tributary to the Raystown Branch Juniata River (Bloody Run) (WWF, perennial) for the purpose of constructing a fellowship hall at the Everett Church of the Brethren in the Borough of Everett, Bedford County. The project will result in 48 lineal feet of direct impacts to the channel of the unnamed tributary to the Raystown Branch Juniata River.

**E22-478: Mary Esquivel**, 1630 Fishing Creek Valley Road, Harrisburg, PA 17112 in Middle Paxton Township, **Dauphin County**, ACOE Baltimore District.

To construct and maintain a 208 square foot addition to an existing dwelling within the floodway of Fishing Creek East (WWF), for the purpose of enlarging livable space, approximately 700 feet north of Route 443 (Harrisburg East, PA Quadrangle N: 21.4 inches; W: 16.2 inches) in Middle Paxton Township, Dauphin County.

*Northcentral Region: Water Management Program Manager, 208 West Third Street, Williamsport, PA 17701, (570) 327-3636.*

**E12-148. Cameron County Conservation District**, 20 East Fifth Street, Room 105, Emporium, PA 15834. Schatz and Venture stabilization sites in Shippen Township, **Cameron County**, ACOE Baltimore District (Rich Valley, PA Quadrangle N: 6.45 inches; W: 6.55 inches).

The permit application proposes to stabilize two projects funded by the Department's Growing Greener program. The Venture site proposes to relocate 780 linear feet of Clear Creek (HQ-CWF) to stabilize failing banks and to reestablish a floodplain capacity. The project also proposes three J-hook rock structures and four cross vane rock structures to assist in stabilizing the newly constructed stream. The Schatz site proposes to remove a gravel bar and stabilize the stream bank totaling 650 linear feet of the Driftwood Branch of the Sinnemahoning Creek (TSF). Two J-hook rock structures and two cross vane rock structures are proposed to add stability to the project.

**E12-149. Cameron County Commissioners**, East Fifth Street, Emporium, PA 15834. Bridge construction in Shippen Township, **Cameron County**, ACOE Baltimore District (West Creek, PA Quadrangle N: 21.9 inches; W: 3.4 inches).

To: (1) remove the existing four span steel girder bridge which has an open steel deck, reinforced concrete piers and abutments, a clear normal span of 97.4 feet and to construct and maintain; (2) a single span prestressed concrete spread box beam bridge 108.48-foot long with a minimum underclearance of 11.09 feet, a waterway opening of 1,083 square feet and to construct and maintain; (3) four J-hook stream restoration structure of R-8 rectangular and subangular native rock, one is about 225 feet north of the centerline of the proposed bridge and the other three are on the downstream side to a distance of about 200 feet from the proposed bridge centerline; (4) native rock, abutment demolition rock and trees/root wad Natural Bank Revetment for distances of 75 feet beginning at the south west abutment proceeding downstream and 175 feet beginning at the south east abutment proceeding downstream; and (5) about 125 linear feet by 35 feet wide R-5 rock stabilized channel, five rock check dams and about 330 linear feet of natural material rock bank revetment (165 feet each side) from the mouth proceeding upstream of an unnamed tributary which discharges to wetlands at the south east side of the proposed bridge. The proposed bridge is on T-345, about 200 feet from the intersection of T-345 with SR 0120. The project will create about 0.65 acre of earth disturbance. The project will impact about 0.294 acre of wetlands and 700 feet of waterway. West Creek is a HQ-CWF stream.

**E19-242. Columbia County Planning Commission**, 702 Sawmill Road, Suite 104, Bloomsburg, PA 17815. Fishing Creek streambank stabilization project in the Town of Bloomsburg and Hemlock Township, **Columbia County**, ACOE Baltimore District (Bloomsburg, PA Quadrangle N: 2.4 inches; W: 13.3 inches).

The applicant proposes to utilize a Growing Greener Grant to stabilize a section of the bank of Fishing Creek (WWF, perennial). The application proposes to: (1) relocate 1,800 linear feet Fishing Creek; (2) place fill in the left floodway with the dimensions of 150 feet wide by 8 feet high; and (3) install rock structures in the bed of Fishing Creek, consisting of three cross-vane structures and two J-hook structures. The project proposes to directly affect a total of 2,500 linear feet of streambed and 17 acres of floodway. The project does not propose to impact any wetlands with the stabilization work.

**E19-244. George Samuels**, 593B River Hill Drive, Catawissa, PA 17820. Channel culvert in Catawissa Borough, **Columbia County**, ACOE Baltimore District (Catawissa, PA Quadrangle N: 12.30 inches; W: 11.30 inches).

To construct a stream crossing of 50 linear feet by 6 feet of gravity block abutments on each side of the stream covered with steel grate flooring measuring approximately 50 feet by 17 feet in Foundary Run on private property adjacent to SR 42 near the intersection of SR 487. The project will not impact wetlands while impacting approximately 50 feet of waterway. Approximately 300 square feet of earth will be disturbed by the project. Furnace Run is a CWF stream.

**E53-399. Roydew W. Knowlton and Verda W. Knowlton**, 143 Willis Road, Roulette, PA 16746-1215. Aspenwood Tree Farm road crossing Trout Brook in Roulette Township, **Potter County**, Pittsburgh ACOE District (Coudersport, PA Quadrangle N: 7.25 inches; W: 13.75 inches).

To construct, operate and maintain a private road crossing Trout Brook (CWF) to provide agricultural activity access for the Aspenwood Tree Farm. The private road

crossing shall be constructed with a single corrugated metal culvert pipe. The corrugated metal culvert pipe shall have a minimum rise of 5.6 feet, minimum span of 7.9 feet and a depression of 1 foot below the existing streambed elevations. The private road crossing Trout Brook shall also include concrete slab headwalls. Since Trout Brook is a wild trout fishery, no construction or future repair work shall be done in the stream channel between October 1 and December 31 without the prior written approval of the Fish and Boat Commission. All construction and future work shall be conducted at stream low flow. As proposed, the project will not impact wetlands while impacting 50 feet of waterway. The Aspenwood Tree Farm road crossing project is along the northern right-of-way of SR 0006 approximately 1.6 miles north of the T-323 and SR 0006 intersection. This permit does not authorize any temporary or permanent wetland impacts and, as such, the permittee shall ensure no wetland impacts result from the construction of the proposed road crossing.

*Northwest Region: Water Management Program Manager, 230 Chestnut Street, Meadville, PA 16335-3481.*

**E10-286A, Mine Safety Appliance Company**, P. O. Box 426, Pittsburgh, PA 15230-0426. Out parcel at SR 0228, Cranberry Woods in Cranberry Township, **Butler County**, ACOE Pittsburgh District (Mars, PA Quadrangle N: 5.5 inches; W: 5.5 inches).

The original permit giving its consent to fill 2.29 acres of 14 wetland areas for development of building lots and roadways within Cranberry Woods Corporate Office Park and which required the construction of 2.29 acres of replacement wetlands is to be amended to include the construction and maintenance of: (1) fill within an additional 0.17 acre of PEM/PSS/PFO wetlands; (2) a 10-foot by 3.5-foot steel arch culvert 64 feet 10 inches long; (3) a 26-foot extension of a 54-inch diameter RCP culvert; (4) an 18-foot extension of a 54-inch diameter RCP culvert; (5) an 18-foot extension of a 36-inch diameter RCP culvert; and (6) to relocate and maintain approximately 460 linear feet of a UNT to Brush Creek (WWF) on the out parcel at the southeast corner of the intersection of SR 0228 and Cranberry Woods Drive. The applicant will construct an additional 0.17 acre of PEM/PSS wetlands as a part of this project.

**E20-537, West Mead Township**, 1150 Morgan Village Road, P. O. Box 491, Meadville, PA 16335. Thurston/Mill Run gravel and sediment removal in West Mead Township, **Crawford County**, ACOE Pittsburgh District (Blooming Valley, PA Quadrangle N: 0.7 inch; W: 16.9 inches).

The applicant proposes to conduct maintenance removal of gravel and sediment from the unnamed tributary (Thurston Run) to Mill Run (WWF, intermittent) to original stream contours for approximately 1,000 feet upstream from the confluence of the unnamed tributary and Mill Run (WWF, perennial) and from Mill Run approximately 100 feet upstream and 100 feet downstream of the confluence of the unnamed tributary and Mill Run approximately 0.2 mile northwest of the intersection of Thurston Road and Hunter Road. The project proposes to directly affect a total of approximately 1,200 linear feet of stream channel.

**E25-689, Department of Transportation, District 1-0**, 255 Elm Street, P. O. Box 398, Oil City, PA 16301-1412. SR 0006, Segment 0060, Offset 0252 Bridge over French Creek in LeBoeuf Township, **Erie County**, ACOE Pittsburgh District (Waterford, PA Quadrangle N: 1.3 inches; W: 16.9 inches).

The applicant proposes to remove the existing structure and to construct and maintain a steel span plate girder bridge having a clear span of 158.5 feet and a minimum underclearance of 13.42 feet on a 90 degree skew across French Creek (WWF, perennial) on SR 0006, Segment 0060, Offset 0252 approximately 250 feet east of the intersection of SR 0006 and SR 0019. The project proposes to directly affect a total of approximately 100 linear feet of stream channel.

**E25-690, Department of Transportation, District 1-0**, 255 Elm Street, P. O. Box 398, Oil City, PA 16301-1412. SR 3014 over Little Conneauttee Creek in Washington Township, **Erie County**, ACOE Pittsburgh District (Cambridge Springs NE, PA Quadrangle N: 10.3 inches; W: 11.3 inches).

The applicant proposes to remove the existing structure and to construct and maintain a prestressed concrete spread box beam bridge having a normal span of 45.87 feet and a minimum underclearance of 5.6 feet on a 65° skew across Little Conneauttee Creek (CWF, perennial) on SR 3014, Segment B01, Segment 0270, Offset 0000 approximately 0.4 mile west of intersection of SR 3014 and Draketown Road. Project includes wing walls, riprap protection and roadway approach work. The project proposes to directly affect a total of approximately 60 linear feet of stream channel.

**E37-160, Jeff Reckard**, 496 Old Ash Road, Mercer, PA 16137. Reckard subdivision in Scott Township, **Lawrence County**, ACOE Pittsburgh District (Harlansburg, PA Quadrangle N: 7.8 inches; W: 13.7 inches).

To construct and maintain: (1) a steel arch having a clear span of 12 feet, a rise of 5 feet and an instream length of 22 feet within Hottenbaugh Run (TSF); (2) a 48-inch diameter 20-foot long CPP culvert within a UNT Hottenbaugh Run (TSF); and (3) to place and maintain fill within 0.038 acre of PEM wetlands tributary to the UNT Hottenbaugh Run, all at a point/points within the Reckard subdivision approximately 3,500 feet west of the intersection of SR 0956 and Eastbrook-Harlansburg Road.

**E42-310, Kinzua Valley Trail Club**, 37 Mud Puddle Road, Westline, PA 16740. Libby Run pedestrian bridge in Hamilton Township, **McKean County**, ACOE Pittsburgh District (Westline, PA Quadrangle N: 5.7 inches; W: 8.2 inches).

To construct and maintain a pedestrian footbridge having a clear span of approximately 10 feet, an instream length of 15 feet and a rise of 3 feet (minimum) across Libby Run (HQ-CWF) along the existing railroad grade at a point approximately 200 feet north of the confluence with Kinzua Creek.

**E61-268, United Refining Company of Pennsylvania**, P. O. Box 688, Warren, PA 16365. Kwik Fill/Red Apple Food Mart M29 stream enclosure in Sandycreek Township, **Venango County**, ACOE Pittsburgh District (Franklin, PA Quadrangle N: 2.1 inches; W: 13.3 inches).

The applicant proposes to remove the existing structure and to construct and maintain a 258-foot long, 5-foot diameter reinforced concrete pipe stream enclosure in Chubb Run (WWF, perennial) approximately 0.15 mile northeast of the intersection of SR 8 and SR 62. Project includes installation of a trash rack and riprap energy dissipater. The project proposes to directly affect approximately 350 linear feet of stream.

**E4011-005: Bureau of Abandoned Mine Reclamation, Wilkes-Barre District Office**, 2 Public Square,

5th Floor, Wilkes-Barre, PA 18711-0790 in Hazle Township, **Luzerne County**, ACOE Baltimore District.

To perform the following water obstruction and encroachment activities associated with abandoned mine reclamation in and along Cranberry Creek (CWF) and adjacent wetlands.

1. Restore a section of Cranberry Creek (CWF), which used to flow into Black Creek (CWF), but was eradicated by past mining activities. The bed of the creek to be restored will start from the SR 0924 culvert and run west to a point near the confluence of the relocated channel, due to development, where the stream becomes defined again, approximately 1,000 feet east of northbound I-81 and 4,000 feet north of the intersection of I-81 and SR

0924. The creek will be south of the NS Railway tracks as it was historically and will be designed using Fluvial Geomorphology Methods. In stream structures that will be constructed are as follows: J-hook vanes for stabilization, cross vanes for grade control and rootwads for habitat (Conyngham, PA Quadrangle N: 13.1 inches; W: 2.5 inches)

2. To place fill in 0.04 acre of wetlands for the purpose of regarding the area of abandoned mines to near natural original conditions. This area is comprised of two separate wetlands and because of their combined size, would then qualify for a Category 2 exclusion under 25 Pa. Code § 105.12(a)(16) for restoration activities on abandoned mine sites (Conyngham, PA Quadrangle N: 13.25 inches; W: 3.3 inches and N: 13.75 inches; W: 2.25 inches).

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## ACTIONS

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### THE CLEAN STREAMS LAW AND THE FEDERAL CLEAN WATER ACT FINAL ACTIONS TAKEN FOR NATIONAL POLLUTION DISCHARGE ELIMINATION SYSTEM (NPDES) PERMITS AND WATER QUALITY MANAGEMENT (WQM) PERMITS

The Department of Environmental Protection (Department) has taken the following actions on previously received applications for new, amended and renewed NPDES and WQM permits, applications for permit waivers and Notices of Intent (NOI) for coverage under general permits. This notice is provided in accordance with 25 Pa. Code Chapters 91 and 92 and 40 CFR Part 122, implementing provisions of The Clean Streams Law (35 P. S. §§ 691.1—691.1001) and the Federal Clean Water Act.

<i>Location</i>	<i>Permit Authority</i>	<i>Application Type or Category</i>
Section I	NPDES	Renewals
Section II	NPDES	New or amendment
Section III	WQM	Industrial, sewage or animal wastes; discharges to groundwater
Section IV	NPDES	MS4 individual permit
Section V	NPDES	MS4 permit waiver
Section VI	NPDES	Individual permit stormwater construction
Section VII	NPDES	NOI for coverage under NPDES general permits

Sections I—VI contain actions related to industrial, animal or sewage wastes discharges, discharges to groundwater and discharges associated with municipal separate storm sewer systems (MS4), stormwater associated with construction activities and concentrated animal feeding operations (CAFOs). Section VII contains notices for parties who have submitted NOIs for coverage under general NPDES permits. The approval for coverage under general NPDES permits is subject to applicable effluent limitations, monitoring, reporting requirements and other conditions set forth in each general permit. The approval of coverage for land application of sewage sludge or residential septage under applicable general permit is subject to pollutant limitations, pathogen and vector attraction reduction requirements, operational standards, general requirements, management practices and other conditions set forth in the respective permit. Permits and related documents, effluent limitations, permitting requirements and other information are on file and may be inspected and arrangements made for copying at the contact office noted before the action.

Persons aggrieved by an action may appeal, under section 4 of the Environmental Hearing Board Act (35 P. S. § 7514) and 2 Pa.C.S. §§ 501—508 and 701—704 (relating to the Administrative Agency Law), to the Environmental Hearing Board, Second Floor, Rachel Carson State Office Building, 400 Market Street, P. O. Box 8457, Harrisburg, PA 17105-8457, (717) 787-3483. TDD users should contact the Environmental Hearing Board (Board) through the Pennsylvania Relay Service, (800) 654-5984. Appeals must be filed with the Board within 30 days of publication of this notice in the *Pennsylvania Bulletin*, unless the appropriate statute provides a different time period. Copies of the appeal form and the Board's rules of practice and procedure may be obtained from the Board. The appeal form and the Board's rules of practice and procedure are also available in Braille or on audiotape from the Secretary of the Board at (717) 787-3483. This paragraph does not, in and of itself, create any right of appeal beyond that permitted by applicable statutes and decision law.

For individuals who wish to challenge an action, appeals must reach the Board within 30 days. A lawyer is not needed to file an appeal with the Board.

Important legal rights are at stake, however, so individuals should show this notice to a lawyer at once. Persons who cannot afford a lawyer may qualify for free pro bono representation. Call the Secretary to the Board at (717) 787-3483 for more information.

**I. NPDES Renewal Permit Actions**

*Southeast Region: Water Management Program Manager, 2 East Main Street, Norristown, PA 19401.*

<i>NPDES Permit No. (Type)</i>	<i>Facility Name and Address</i>	<i>County and Municipality</i>	<i>Stream Name (Watershed No.)</i>	<i>EPA Waived Y/N?</i>
PA0058757	Stanley Wannop Elaine Gerwig 196 Springton Road Glenmoore, PA 19343	Chester County West Brandywine Township	UNT to Culbertson Run	Y

*Southcentral Region: Water Management Program Manager, 909 Elmerton Avenue, Harrisburg, PA 17110, (717) 705-4707.*

<i>NPDES Permit No. (Type)</i>	<i>Facility Name and Address</i>	<i>County and Municipality</i>	<i>Stream Name (Watershed No.)</i>	<i>EPA Waived Y/N?</i>
PA0083623 IW	TB Woods, Inc. 440 N. 5th Ave. Chambersburg, PA 17201-1778	Franklin County Chambersburg Borough	UNT Falling Spring Branch 13-C	Y
PA0085715 SEW	Mr. and Mrs. Lloyd Geib, Jr. 504 Hemlock Lane Lebanon, PA 17042-9015	Lebanon County Cornwall Borough	UNT Shearer's Creek 7-G	Y
PA0080926 SEW	Robert Schroeder 205 Sleepy Hollow Road Lititz, PA 17543	Lancaster County Elizabeth Township	UNT Hammer Creek 7-J	Y

*Northcentral Region: Water Management Program Manager, 208 West Third Street, Williamsport, PA 17701.*

<i>NPDES Permit No. (Type)</i>	<i>Facility Name and Address</i>	<i>County and Municipality</i>	<i>Stream Name (Watershed No.)</i>	<i>EPA Waived Y/N?</i>
PA0228044 Sewerage	Bradford Heights Woodland Properties Management LLC 19 Birch Street Great Neck, NY 11023	Bradford Township Clearfield County	UNT Abes Run 8-C	Y
PA0112020 (4952)	Brookside Manor Associates 215 West Church Road King of Prussia, PA 19406	Columbia County North Centre Township	West Branch Briar Creek 5D	Y

*Southwest Region: Water Management Program Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745.*

<i>NPDES Permit No. (Type)</i>	<i>Facility Name and Address</i>	<i>County and Municipality</i>	<i>Stream Name (Watershed No.)</i>	<i>EPA Waived Y/N?</i>
PA0096695 Sewage	Frazier School District 142 Constitution Street Perryopolis, PA 15473	Fayette County Jefferson Township	UNT of Little Redstone Creek	Y
PA0098345 Sewage	Connellsville Area School District Administrative Building 125 North Seventh Street Connellsville, PA 15425	Fayette County Saltlick Township	Indian Creek	Y
PA0098400 Sewage	Albert Gallatin School District 2625 Morgantown Rd. Uniontown, PA 15401	Fayette County Springhill Township	Georges Creek	Y
PA0014311 Industrial Waste	Keystone Profiles 220 Seventh Avenue Beaver Falls, PA 15010	Beaver County Beaver Falls	Walnut Bottom Run Beaver Falls Storm Sewer to Beaver Run	N

This notice reflects changes from the notice published at 34 Pa.B. 866 (February 14, 2004):

<i>Parameter</i>	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
Zinc			0.2	0.6	0.75

**II. New or Expanded Facility Permits, Renewal of Major Permits and EPA Nonwaived Permit Actions**

*Southeast Region: Water Management Program Manager, 2 East Main Street, Norristown, PA 19401.*

**NPDES Permit No. PA0012572**, Industrial Waste, **Jefferson Smurfit Corporation** 5000 Flat Rock Road, Philadelphia, PA 19127. This proposed facility is in the City of Philadelphia, **Philadelphia County**.

Description of Proposed Action/Activity: Approval for the renewal to discharge from the facility into the Schuylkill River in Watershed 3F-Wissahickon.

**NPDES Permit No. PA0011282**, Industrial Waste, **Aqua Pennsylvania, Inc.**, 726 West Lancaster Avenue, Bryn Mawr, PA 19010. This proposed facility is in Springfield Township, **Delaware County**.

Description of Proposed Action/Activity: Approval for the discharge from the facility known as the Crum Creek Water Filtration Plant into Crum Creek into Crum Creek in Watershed 3G-Crum Creek.

**NPDES Permit No. PA0012190**, Industrial Waste, **Mueller Streamline Company**, 287 Wissahickon Avenue, North Wales, PA 19454. This proposed facility is in Upper Gwynedd Township, **Montgomery County**.

Description of Proposed Action/Activity: Approval for the renewal to discharge from the facility known as Precision Tube Co. into a drainage swale to Wissahickon Creek.

**NPDES Permit No. PA0057363**, Sewage, **ARCCA Real Estate Corporation**, 2288 Second Street Pike, Penns Park, PA 18943. This proposed facility is in Wrightstown Township, **Bucks County**.

Description of Proposed Action/Activity: Approval for the renewal to discharge from the facility into an unnamed tributary to Neshaminy Creek in Watershed 2E.

*Southcentral Region: Water Management Program Manager, 909 Elmerton Avenue, Harrisburg, PA 17110, (717) 705-4707.*

**NPDES Permit No. PA0014605**, Industrial Waste, **United Water Pennsylvania, Inc., Rabold Water Treatment Plant**, 4211 East Park Circle, Harrisburg, PA 17111-0151. This proposed facility is in Fairview Township, **York County**.

Description of Proposed Action/Activity: Authorization to discharge to the Yellow Breeches Creek in Watershed 7-E.

*Southwest Region: Water Management Program Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745.*

**NPDES Permit No. PA0218502-A1**, Industrial, **U. S. Army Corps of Engineers—Pittsburgh District**, 1000 Liberty Avenue, Pittsburgh, PA 15222-4186 is authorized to increase the discharge of treated process water, stormwater and untreated stormwater from the Charleroi Batch Plant to the Monongahela River.

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### III. WQM Industrial Waste and Sewerage Actions under The Clean Streams Law (35 P. S. §§ 691.1—691.1001)

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*Southcentral Region: Water Management Program Manager, 909 Elmerton Avenue, Harrisburg, PA 17110, (717) 705-4707.*

**WQM Permit No. 3604411**, Sewerage, **City of Lancaster**, 120 North Duke Street, Lancaster, PA 17608. This proposed facility is in Lancaster Township, **Lancaster County**.

Description of Proposed Action/Activity: Grant Street Interceptor Relocation/PA Academy of Music. The replacement/relocation of an 18-inch sewer and a 24-inch sewer in Grant Street with a 42-inch sewer.

**WQM Permit No. 2101402, Amendment 04-1**, Sewerage, **Lois Matarrazi**, 2780 Commerce Drive, Middletown, PA 17057. This proposed facility is in Dickinson Township, **Cumberland County**.

Description of Proposed Action/Activity: This amendment changes to status of the permit from experimental to regular status. The facility consists of a Cromaglass CA-30D treatment plant, dosing tank a 48-foot by 104-foot sand mound and aerated biosolids holding tank.

*Northcentral Region: Water Management Program Manager, 208 West Third Street, Williamsport, PA 17701.*

**WQM Permit No. 0804403**, Sewage 4952, **Karen Cummins**, R. R. 4, Box 4262, Wyalusing, PA 18853. This proposed facility is in Standing Stone Township, **Bradford County**.

Description of Proposed Action/Activity: The applicant proposes to construct and operate a single residence sewage plant. The sewage plant will be an aerobic septic tank, two free access sand filters and chlorination.

*Southwest Region: Water Management Program Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745.*

**WQM Permit No. 0273422-A2**, Sewerage, **Moon Township Municipal Authority**, 1700 Beaver Grade Road, Suite 200, Moon Township, PA 15108. This proposed facility is in Moon Township, **Allegheny County**.

Description of Proposed Action/Activity: Construction and operation of expansion to the existing Moon Township Municipal Authority's Flaugherty Run SBR sewage treatment plant.

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### IV. NPDES Stormwater Discharges from MS4 Permit Actions

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### V. NPDES Waiver Stormwater Discharges from MS4 Actions

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### VI. NPDES Discharges of Stormwater Associated with Construction Activities Individual Permit Actions

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*Southeast Region: Water Management Program Manager, 2 East Main Street, Norristown, PA 19401.*

#### NPDES Permit

No.	Applicant Name and Address	County	Municipality	Receiving Water/Use
PAI011503074	Stancato/Abadala, LLC Mendenhall Subdivision 7 West Gay Street West Chester, PA 19380-3010	Chester	East Fallowfield Township	Unnamed tributary West Branch Brandywine Creek EV



<i>NPDES Permit No.</i>	<i>Applicant Name and Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI011504075	Gambone Brothers Development Co. Saylor Tract Subdivision 1030 West Germantown Pike P. O. Box 287 Fairview Village, PA 19409	Chester	South Coventry Township	Rock Run EV

*Northeast Region: Water Management Program Manager, 2 Public Square, Wilkes-Barre, PA 18711-0790.*

<i>NPDES Permit No.</i>	<i>Applicant Name and Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI023903020	Jaindl Land Co. 3150 Coffeetown Rd. Orefield, PA 18069	Lehigh	South Whitehall and Upper Macungie Townships	Little Lehigh and Jordan Creeks HQ-CWF

*Southcentral Region: Water Management Program Manager, 909 Elmerton Avenue, Harrisburg, PA 17110.*

<i>NPDES Permit No.</i>	<i>Applicant Name and Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI033804001	Arborgate, LTD 950 East Kerchner Avenue Myerstown, PA 17067	Lebanon	Jackson Township	UNT to Tulpehocken Creek TSF
PAI026703003	The Stephen Group, Inc. 4603 Compass Point Road Belcamp, MD 21017	York	East Hopewell Township	UNT to South Branch Muddy Creek HQ-CWF

*Northcentral Region: Water Management Program Manager, 208 West Third Street, Williamsport, PA 17701.*

<i>NPDES Permit No.</i>	<i>Applicant Name and Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAS804804	Montour Oil Service Company 112 Broad Street Montoursville, PA 17754-2241	Centre	Miles Township	Elk Creek HQ-CWF

*Southwest Region: Water Management Program Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745.*

*Cambria County Conservation District: 401 Candlelight Drive, Suite 221, Ebensburg, PA 15931, (814) 472-2120.*

<i>NPDES Permit No.</i>	<i>Applicant Name and Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI051104003 (1)	Department of Transportation 1620 N. Juniata St. Hollidaysburg, PA 16648	Cambria	Jackson Township	Findlay Run HQ-CWF Rummel Run CWF Laurel Run HQ-CWF Hinckston Run CWF Unnamed tributary to South Branch Blacklick Creek CWF

*Westmoreland County Conservation District: Center for Conservation Education, 211 Donohoe Road, Greensburg, PA 15601, (724) 837-5271.*

<i>NPDES Permit No.</i>	<i>Applicant Name and Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI056504003	Bruce Henderson P. O. Box 945 Austraw Road Ligonier, PA 15658	Westmoreland	Ligonier Township	Tributary to North Fork HQ-CWF

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## **VII. Approvals to Use NPDES and/or Other General Permits**

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The EPA Region III Administrator has waived the right to review or object to this permit action under the waiver provision 40 CFR 123.23(d).

**List of NPDES and/or Other General Permit Types**

PAG-1	General Permit for Discharges from Stripper Oil Well Facilities
PAG-2	General Permit for Discharges of Stormwater Associated with Construction Activities (PAR)
PAG-3	General Permit for Discharges of Stormwater from Industrial Activities
PAG-4	General Permit for Discharges from Single Residence Sewage Treatment Plants
PAG-5	General Permit for Discharges from Gasoline Contaminated Ground Water Remediation Systems
PAG-6	General Permit for Wet Weather Overflow Discharges from Combined Sewer Systems
PAG-7	General Permit for Beneficial Use of Exceptional Quality Sewage Sludge by Land Application
PAG-8	General Permit for Beneficial Use of Nonexceptional Quality Sewage Sludge by Land Application to Agricultural Land, Forest, a Public Contact Site or a Land Reclamation Site
PAG-8 (SSN)	Site Suitability Notice for Land Application under Approved PAG-8 General Permit Coverage
PAG-9	General Permit for Beneficial Use of Residential Septage by Land Application to Agricultural Land, Forest or a Land Reclamation Site
PAG-9 (SSN)	Site Suitability Notice for Land Application under Approved PAG-9 General Permit Coverage
PAG-10	General Permit for Discharge Resulting from Hydrostatic Testing of Tanks and Pipelines
PAG-11	(To Be Announced)
PAG-12	CAFOs
PAG-13	Stormwater Discharges from MS4

*General Permit Type—PAG-2*

<i>Facility Location and Municipality</i>	<i>Permit No.</i>	<i>Applicant Name and Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office and Telephone No.</i>
Chalfont Borough Bucks County	PAG2000903157	Oxford Land Development Chestnut Street subdivision P. O. Box 841 Montgomeryville, PA	North Branch Neshaminy Creek WWF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
Bedminster Township Bucks County	PAG2000904055	Heritage Building Group Country Meadow Estates 3326 Old York Road Furlong, PA 18925	Cabin Run CWF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
Newtown Township Bucks County	PAG2000903176	Pitcairn Properties Silver Lake Road Improvements 165 Township Line Rd. Suite 1500 Jenkintown, PA 19046-3599	Core Creek CWF, MF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
Nockamixon Township Bucks County	PAG2000904038	Beatrice Erhardt Subdivision 488 Center Hill Road Upper Black Eddy, PA 18972	Gallows Run/Delaware River CWF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
Warminster Township Bucks County	PAG2000904011	Masonic Homes Masonic Eastern Star Home One Masonic Drive Elizabethtown, PA 17022-2199	Little Neshaminy Creek WWF, MF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
East Rockhill Township Bucks County	PAG2000904020	Ken W. Wiley Subdivision 1069 Hackney Circle Warrington, PA 18976	Lake Nockamixon TSF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
Warwick Township Bucks County	PAG2000904010	Pulte Homes of PA Lmt. Ptnship. Bridge Valley Furlong 1100 Northbrook Drive Trevoise, PA 19053	Neshaminy Creek TSF, MF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900

## NOTICES

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<i>Facility Location and Municipality</i>	<i>Permit No.</i>	<i>Applicant Name and Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office and Telephone No.</i>
Newtown Township Bucks County	PAG2000904029	Katz Custom Homes Wright Estates Residential Subdivision 1243 Easton Road, Suite 200 Warrington, PA 18976	Newtown Creek TSF, MF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
Middletown Township Bucks County	PAG2000903081	Americorp Development, Inc. Durham Ridge 476 West Street Road Warminster, PA	Neshaminy Creek WWF, MF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
Warrington Township Bucks County	PAG2000904081	Warrington Township Board of Supervisors West End Fire Station and Fields 852 Easton Road Warrington, PA 18976	Mill Creek WWF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
Bedminster Township Bucks County	PAG2000903119-1	Bedminster Municipal Authority Kirk Tract P. O. Box 92 Bedminster, PA 18910	Unnamed tributary Deep Run Creek WWF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
Bensalem Township Bucks County	PAG2000904037	Joseph B. Atkinson, III ABC Construction Stockpile 400 Street Road Bensalem, PA 19020	Delaware River WWF, MF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
Richland Township Bucks County	PAG2000904063	Richland Township Station Road Connection 1328 California Road Suite A Quakertown, PA 18951	Tohickon Creek CWF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
Bedminster Township Bucks County	PAG2000904036	Pennland Bedminster KP Pennland Farms East 2421 Bristol Road Warrington, PA 18976	East Branch Perkiomen Creek TSF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
Bedminster Township Bucks County	PAG2000904068	Heritage Building Group Snyder Tract 3326 Old York Road Suite A-100 Furlong, PA 18925	Tributary Deep Run WWF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
Solebury Township Bucks County	PAG2000904034	Solebury Township Solebury Township Municipal Building 3092 Sugas Road P. O. Box 139 Solebury, PA 18963	Unnamed tributary Delaware River TSF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
Solebury Township Bucks County	PAG2000904053	Andre D'Alessio D'Alessio/McGahn 3500 Windy Bush Road New Hope, PA 18938	Delaware River WWF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
Bensalem Township Bucks County	PAG2000903168	Commerce Bank 11000 Atrium Way Mt. Laurel, NJ 08054  Interstate Development Services 17000 Horizon Way Suite 100 Mt. Laurel, NJ 08054	Unnamed tributary Neshaminy Creek WWF, MF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900

<i>Facility Location and Municipality</i>	<i>Permit No.</i>	<i>Applicant Name and Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office and Telephone No.</i>
New Hope Borough Bucks County	PAG2000904080	George Rhoads 240 New York Avenue New Brunswick, NJ 08901-1732	Delaware River WWF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
Quakertown Borough Bucks County	PAG2000904041	George Pauls 150 Woodsville-Marshal Corner Rd. Hopewell, NJ 08525-2819	Tohickon Creek, Beaver Run, Delaware River TSF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
Limerick Township Montgomery County	PAG2004603242	Quakertown Community School District Alumni Field 600 Park Avenue Quakertown, PA 18951	MML, LLC The Woods at Hanover 484 Norristown Road Suite 100 Blue Bell, PA 19422	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
Worcester Township Montgomery County	PAG2004603227	Baldrige Development, Inc. Eckerd Pharmacy 11825 Manchester Road St. Louis, MO 63131	Sanatoga Creek WWF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
Plymouth Township Montgomery County	PAG2004603231	Conicelli Nissan 1200 Ridge Pike Conshohocken, PA 19428	Stoney Creek/Zacarias Creek TSF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
Upper Gwynedd Township Montgomery County	PAG2004604008	Danny Jake Corporation Upper Gwynedd Stop N Stor 3625 Welsh Road Willow Grove, PA 19090	Plymouth Creek WWF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
West Caln Township Chester County	PAG2001504017	B & H Construction Woodview Hills Estates 127 Beacon Light Road Coatesville, PA 19320	Wissahickon Creek TSF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
Londonderry Township Chester County	PAG2001504008	David DellaPorta New Daleville 771 East Lancaster Avenue Villanova, PA 19085	Unnamed tributary Pequea Creek CWF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
Franklin Township Chester County	PAG2001504023	Wilkinson Heritage LLC Szymanski Property 1020 Broad Run Road Landenberg, PA 19350	Unnamed tributary Doe Run WWF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
Moosic Borough Lackawanna County	PAG2003504019	Joseph Occhipinti 104 Lake St. Dunmore, PA 18510	East Branch White Clay Creek CWF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
Scott Township Lackawanna County	PAG2003504021	Daniel Snipes 1030 Lincoln St. Dickson City, PA 18519	Lackawanna River WWF	Lackawanna County Conservation District (570) 281-9495
Upper Saucon Township Lehigh County	PAG2003904016	South Mountain Properties Brian Regan 2019 Majestic Overlook Bethlehem, PA 18015	Tunkhannock Creek TSF	Lackawanna County Conservation District (570) 281-9495
Weisenberg Township Lehigh County	PAG2003904023	Gateway Ridge, LLC 188 Jefferson St. Emmaus, PA 18049	Saucon Creek CWF	Lehigh County Conservation District (610) 391-9583
			Mill Creek CWF, MF	Lehigh County Conservation District (610) 391-9583

## NOTICES

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<i>Facility Location and Municipality</i>	<i>Permit No.</i>	<i>Applicant Name and Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office and Telephone No.</i>
Exeter Township Berks County	PAG2000604054	Richard Sayers and James Smith II 5700 Perkiomen Avenue Reading, PA 19606	Antietam Creek TSF	Berks County Conservation District 1238 County Welfare Road P. O. Box 520 Leesport, PA 19533 (610) 372-4657, Ext. 201
Centerport Borough Berks County	PAG2000604058	Centerport Borough P. O. Box 248 Centerport, PA 19516	Plum Creek WWF	Berks County Conservation District 1238 County Welfare Road P. O. Box 520 Leesport, PA 19533 (610) 372-4657, Ext. 201
Wyomissing Borough Berks County	PAG2000604062	Wyomissing Equities, LLC 17000 Horizon Way Suite 100 Mt. Laurel, NJ 08054	Cedar Run WWF	Berks County Conservation District 1238 County Welfare Road P. O. Box 520 Leesport, PA 19533 (610) 372-4657, Ext. 201
Borough of Lemoyne Cumberland County	PAG2002104015	Lemoyne Harrisburg Development Company LLC Gregory R. Cox 8150 Leesburg Pike Suite 810 Vienna, VA 22182	Susquehanna River WWF	Cumberland County Conservation District 43 Brookwood Avenue Suite 4 Carlisle, PA 17013 (717) 921-8100
Silver Spring Township Cumberland County	PAG2002104021	Edward G. and Stephanie L. Stence Sage Crest 1016 Turnbridge Lane Mechanicsburg, PA 17050	UNT to Simmons Creek WWF	Cumberland County Conservation District 43 Brookwood Avenue Suite 4 Carlisle, PA 17013 (717) 921-8100
Centre County Patton Township	PAR10F092R	The Colonnade at State College Frank Acierno 4737 Concord Pike Wilmington, DE 19803	Big Hollow CWF	Centre County Conservation District 414 Holmes Ave. Suite 4 Bellefonte, PA 16823 (814) 355-6817
Union County Mifflinburg Borough	PAG2006004007	Weis Market Inc. 1000 S. Second St. Sunbury, PA 17801	Buffalo Creek CWF	Union County Conservation District 88 Bull Run Crossing Suite 5 Lewisburg, PA 17837 (570) 523-8782
Fayette County North Union Township	PAG2002604016	Garry Soisson 1116 Connellsville St. Uniontown, PA 15401	Cove Run WWF	Fayette County Conservation District (724) 438-4497
Somerset County Somerset Township	PAG2005604008	JSH Partners 183 Phillippi Road Somerset, PA 15501	East Branch of Coxes Creek WWF	Somerset County Conservation District (814) 445-4652
Washington County Cecil Township	PAG2006304005	Joseph Cerenzia 502 Park Drive Canonsburg, PA 15317	Millers Run WWF	Washington County Conservation District (724) 228-6774
Erie County Millcreek Township	PAG2002504019	Millcreek Township 3608 West 26th Street Erie, PA 16506	Municipal Separate Storm Sewer	Erie County Conservation District (814) 825-6403

<i>Facility Location and Municipality</i>	<i>Permit No.</i>	<i>Applicant Name and Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office and Telephone No.</i>
Erie County City of Erie	PAG2002504020	City of Erie 5240 Knowledge Parkway Erie, PA 16510	Municipal Separate Storm Sewer	Erie County Conservation District (814) 825-6403
Erie County Millcreek Township	PAG2002504021	Erie Water Works 340 W. Bayfront Hwy. Erie, PA 16507	Municipal Separate Storm Sewer	Erie County Conservation District (814) 825-6403
Erie County Millcreek Township	PAG2002504022	Joe Benacci 5650 Wattsburg Rd. Erie, PA 16509	Tributary to Mill Creek WWF: MF	Erie County Conservation District (814) 825-6403
Lawrence County North Beaver Township	PAG2003704002-1	Gerald Davis 636 Paden Rd. New Galilee, PA 16141	Edwards Run WWF Jenkins Run WWF	Lawrence County Conservation District (724) 652-4512

*General Permit Type—PAG-3*

<i>Facility Location and Municipality</i>	<i>Permit No.</i>	<i>Applicant Name and Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office and Telephone No.</i>
Wright Township Luzerne County	PAR202210	Mideast Aluminum 330 Elmwood Road Crestwood Industrial Park Mountaintop, PA 18707	Highway drainage on Oakwood Road	NERO Water Management Program 2 Public Square Wilkes-Barre, PA 18711-0790 (570) 826-2511
Taylor Borough Lackawanna County	PAR232221	Polychemie, Inc. 10 Stauffer Industrial Park Taylor, PA 18517	Keyser Creek CWF Lackawanna River CWF	NERO Water Management Program 2 Public Square Wilkes-Barre, PA 18711-0790 (570) 826-2511
Lancaster County Upper Leacock Township	PAR803558	Skyline Corporation Nomad/Layton Travel Trailers P. O. Box 743 Elkhart, IN 46515-0743	Mill Creek WWF	SCRO 909 Elmerton Avenue Harrisburg, PA 17110 (717) 705-4707
Brady Township Clearfield County	PAR604812	Richard Cherico Chapman Auto Parts, Inc. 20 Sayer Street Brookville, PA 15825	UNT to Pentz Run CWF	Northcentral Regional Office Water Management Program 208 West Third Street Suite 101 Williamsport, PA 17701 (570) 327-3666

*General Permit Type—PAG-4*

<i>Facility Location and Municipality</i>	<i>Permit No.</i>	<i>Applicant Name and Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office and Telephone No.</i>
Curtin Township Centre County	PAG044809	R. Terry and Sharon Peeler 2580 Marsh Creek Road Howard, PA 16841	UNT to Marsh Creek CWF	Northcentral Regional Office Water Management Program 208 West Third Street Suite 101 Williamsport, PA 17701 (570) 327-3666

<i>Facility Location and Municipality</i>	<i>Permit No.</i>	<i>Applicant Name and Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office and Telephone No.</i>
Standing Stone Township Bradford County	PAG045177	Karen Cummins R. R. 4, Box 4262 Wyalusing, PA 18853	Storm drain to Vought Creek WWF	Northcentral Regional Office Water Management Program 208 West Third Street Suite 101 Williamsport, PA 17701 (570) 327-3666
Boggs Township Centre County	PAG045074 Sewerage	Gregory and Cindy Cain 103 Fetzer Rd. Howard, PA 16841	Antis Run 9C	Northcentral Regional Office Water Management Program 208 West Third Street Suite 101 Williamsport, PA 17701 (570) 327-3666

*General Permit Type—PAG-10*

<i>Facility Location and Municipality</i>	<i>Permit No.</i>	<i>Applicant Name and Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office and Telephone No.</i>
Richhill Township Greene County	PAG106108	Columbia Gas Transmission 950 Manifold Road Washington, PA 15301	Wharton Run	Southwest Regional Office Water Management Program Manager 400 Waterfront Drive Pittsburgh, PA 15222-4745 (412) 442-4000

**PUBLIC WATER SUPPLY (PWS) PERMITS**

The Department of Environmental Protection has taken the following actions on applications received under the Pennsylvania Safe Drinking Water Act (35 P. S. §§ 721.1—721.17) for the construction, substantial modification or operation of a public water system.

Persons aggrieved by an action may appeal, under section 4 of the Environmental Hearing Board Act (35 P. S. § 7514) and 2 Pa.C.S. §§ 501—508 and 701—704 (relating to the Administrative Agency Law), to the Environmental Hearing Board, Second Floor, Rachel Carson State Office Building, 400 Market Street, P. O. Box 8457, Harrisburg, PA 17105-8457, (717) 787-3483. TDD users should contact the Environmental Hearing Board (Board) through the Pennsylvania Relay Service, (800) 654-5984. Appeals must be filed with the Board within 30 days of publication of this notice in the *Pennsylvania Bulletin*, unless the appropriate statute provides a different time period. Copies of the appeal form and the Board's rules of practice and procedure may be obtained from the Board. The appeal form and the Board's rules of practice and procedure are also available in Braille or on audiotape from the Secretary of the Board at (717) 787-3483. This paragraph does not, in and of itself, create any right of appeal beyond that permitted by applicable statutes and decision law.

For individuals who wish to challenge an action, appeals must reach the Board within 30 days. A lawyer is not needed to file an appeal with the Board.

Important legal rights are at stake, however, so individuals should show this notice to a lawyer at once.

Persons who cannot afford a lawyer may qualify for free pro bono representation. Call the Secretary to the Board at (717) 787-3483 for more information.

**SAFE DRINKING WATER**

**Actions taken under the Pennsylvania Safe Drinking Water Act.**

*Southeast Region: Water Supply Management Program Manager, 2 East Main Street, Norristown, PA 19401.*

This notice reflects changes from the notice published at 34 Pa.B. 3054 (June 12, 2004). The permit number was incorrect.

<b>Permit No. 1504501</b> , Public Water Supply.	
Applicant	<b>Aqua Pennsylvania, Inc.</b> 762 W. Lancaster Avenue Bryn Mawr, PA 19010
Townships	Caln and East Brandywine
County	<b>Chester</b>
Type of Facility	PWS
Consulting Engineer	CET Engineering Services, Inc. 1240 North Mountain Road Harrisburg, PA 17112
Permit to Construct Issued	June 1, 2004

*Southcentral Region: Water Supply Management Program Manager, 909 Elmerton Avenue, Harrisburg, PA 17110.*

**Permit No. 0604509 MA, Minor Amendment, Public Water Supply.**

Applicant	<b>Borough of Kutztown</b>
Municipality	Maxatawny Township
County	<b>Berks</b>
Type of Facility	The Borough is repainting the interior and exterior of two existing finished water storage tanks. Along with the installation of the following upgrades on each tank: a 24-inch diameter shell manhole, a 24-inch roof ventilation manhole and a 24-inch aluminum pressure vacuum vent. Also, the existing interior ladders and hanging cathodic protection systems will be removed from both tanks.
Consulting Engineer	Steven E. Riley, P. E. Spotts Stevens and McCoy 345 North Wyomissing Blvd. Reading, PA 19530 0307
Permit to Construct Issued	June 15, 2004

**Operations Permit issued to United Water Pennsylvania, 7670061, Newberry Township, York County on June 21, 2004, for the operation of facilities approved under Construction Permit No. 6703509 MA.**

*Northwest Region: Water Supply Management Program Manager, 230 Chestnut Street, Meadville, PA 16335-3481.*

**Permit No. 2703503, Public Water Supply.**

Applicant	<b>Forest Area School District</b>
Borough or Township	Hickory Township
County	<b>Forest</b>
Type of Facility	NTNC Water Supply
Consulting Engineer	Pascoe Engineering Consultants 222 N Beaver St. New Castle, PA 16101
Permit to Construct Issued	June 21, 2004

## LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

UNDER ACT 2, 1995

PREAMBLE 2

**The following plans and reports were submitted under the Land Recycling and Environmental Remediation Standards Act (35 P. S. §§ 6026.101—6026.908).**

Provisions of Chapter 3 of the Land Recycling and Environmental Remediation Standards Act (act) require the Department of Environmental Protection (Department) to publish in the *Pennsylvania Bulletin* a notice of submission of plans and reports. A final report is submitted to document cleanup of a release of a regulated substance at a site to one of the act's remediation standards. A final report provides a description of the site investigation to characterize the nature and extent of contaminants in environmental media, the basis for selecting the environmental media of concern, documenta-

tion supporting the selection of residential or nonresidential exposure factors, a description of the remediation performed and summaries of sampling analytical results which demonstrate that remediation has attained the cleanup standard selected. Submission of plans and reports, other than the final report, shall also be published in the *Pennsylvania Bulletin*. These include the remedial investigation report, risk assessment report and cleanup plan for a site-specific standard remediation. A remedial investigation report includes conclusions from the site investigation, concentration of regulated substances in environmental media; benefits of refuse of the property and, in some circumstances, a fate and transport analysis. If required, a risk assessment report describes potential adverse effects caused by the presence of regulated substances. If required, a cleanup plan evaluates the abilities of potential remedies to achieve remedy requirements.

For further information concerning plans or reports, contact the Environmental Cleanup Program manager in the Department regional office after which the notice of receipt of plans or reports appears. If information concerning plans or reports is required in an alternative form, contact the Community Relations Coordinator at the appropriate regional office. TDD users may telephone the Department through the AT&T Relay Service at (800) 654-5984.

The Department has received the following plans and reports:

*Southeast Region: Environmental Cleanup Program Manager, 2 East Main Street, Norristown, PA 19401.*

**Barnes Residence, Lower Makefield Township, Bucks County.** Staci Nelson-Cottone, American Resource Consultants, Inc., P. O. Box 579, Quakertown, PA 18951 on behalf of Elaine Barnes, 41 North Homestead Road, Lower Makefield, PA 19067 has submitted Final Report concerning remediation of site soil contaminated with no. 2 fuel oil. The report was submitted within 90 days of the release and is intended to document remediation of the site to meet the Statewide Health Standard.

**Peco Ardmore Service Building, Lower Merion Township, Bucks County.** Bruce Middleman, Jacques Whitford Company, Inc., 450 South Gravers Road, Suite 105, Plymouth Meeting, PA 19462 has submitted Final Report concerning remediation of site soil contaminated with diesel fuel, leaded gasoline, MTBE and unleaded gasoline; and site groundwater contaminated with chlorinated solvents, diesel fuel, leaded gasoline, MTBE and unleaded gasoline. The report is intended to document remediation of the site to meet the Site-Specific and Background Standards.

**Former Bridgestone Firestone Retail Store and Western Metal Bed Co., City of Philadelphia, Philadelphia County.** Christopher Orzechowski, RT Environmental Services, Inc., 215 W. Church Rd., King of Prussia, PA 19406, on behalf of B. D. F. Corp., B. Featherman, D. Featherman, F. Featherman and Bridgestone/Firestone, 4035-4045 Torresdale Ave., Philadelphia, PA, has submitted Final Report concerning remediation of site soil and groundwater contaminated with solvents. The report is intended to document remediation of the site to meet the Site-Specific Standard.

*Southwest Region: Environmental Cleanup Program Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745.*

**Industrial Property (Former), Borough of Versailles, Allegheny County.** Charles Haefner, Jr., P. G., KU



Resources, Inc., Business Innovation Center, One Library Place, Suite 207, Duquesne, PA 15110 (on behalf of Pat McGrail, Borough of Versailles, 1714 Lincoln Way, White Oak, PA 15131 and Stephen Pholar, West-to-West Coalition, P. O. Box 720, Duquesne, PA 15110) has submitted a Remedial Investigation Report, Risk Assessment Report and a Cleanup Plan concerning remediation of site soil and groundwater contaminated with inorganics, lead and PAHs. The report is intended to document remediation of the site to meet the Site-Specific Standard.

## LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

UNDER ACT 2, 1995

PREAMBLE 3

**The Department has taken action on the following plans and reports under the Land Recycling and Environmental Remediation Standards Act (35 P. S. §§ 6026.101—6026.908).**

Provisions of 25 Pa. Code § 250.8, administration of the Land Recycling and Environmental Remediation Standards Act (act), require the Department of Environmental Protection (Department) to publish in the *Pennsylvania Bulletin* a notice of final actions on plans and reports. A final report is submitted to document cleanup of a release of a regulated substance at a site to one of the remediation standards of the act. A final report provides a description of the site investigation to characterize the nature and extent of contaminants in environmental media, the basis of selecting the environmental media of concern, documentation supporting the selection of residential or nonresidential exposure factors, a description of the remediation performed and summaries of sampling methodology and analytical results which demonstrate that the remediation has attained the cleanup standard selected. Plans and reports required by provisions of the act for compliance with selection of remediation to a site-specific standard, in addition to a final report, include a remedial investigation report, risk assessment report and cleanup plan. A remedial investigation report includes conclusions from the site investigation, concentration of regulated substances in environmental media, benefits of refuse of the property and, in some circumstances, a fate and transport analysis. If required, a risk assessment report describes potential adverse effects caused by the presence of regulated substances. If required, a cleanup plan evaluates the abilities of potential remedies to achieve remedy requirements. A work plan for conducting a baseline remedial investigation is required by provisions of the act for compliance with selection of a special industrial area remediation. The baseline remedial investigation, based on the work plan, is compiled into the baseline environmental report to establish a reference point to show existing contamination, describe proposed remediation to be done and include a description of existing or potential public benefits of the use or reuse of the property. The Department may approve or disapprove plans and reports submitted. This notice provides the Department's decision and, if relevant, the basis for disapproval.

For further information concerning the plans and reports, contact the Environmental Cleanup Program manager in the Department regional office before which the notice of the plan or report appears. If information concerning a final report is required in an alternative form, contact the Community Relations Coordinator at

the appropriate regional office. TDD users may telephone the Department through the AT&T Relay Service at (800) 654-5984.

The Department has received the following plans and reports:

*Southeast Region: Environmental Cleanup Program Manager, 2 East Main Street, Norristown, PA 19401.*

**Lot 52 Olmsted Development**, Pocopson Township, **Chester County**. John Mostoler, NV Homes, 900 West Valley Road, Suite 1000, Wayne, PA 19087 on behalf of Michael and Myra Evers, 8 Emondson Drive, West Chester, PA 19382 has submitted a Final Report concerning the remediation of site soil contaminated with pesticides. The Final Report demonstrated attainment of the Statewide Health Standard and was approved by the Department on June 16, 2004.

**Atkinson Residence**, Upper Dublin Township, **Montgomery County**. Staci Cottone, American Resource Consultants, Inc. on behalf of Mr. Atkinson, Upper Dublin Township, Montgomery County, has submitted a Final Report concerning the remediation of site soil contaminated with no. 2 fuel oil. The report was submitted within 90 days of the release-demonstrated attainment of the Statewide Health Standard and was approved by the Department on June 15, 2004.

**Vacant Parcel**, City of Philadelphia, **Philadelphia County**. Keith T. D'Ambrosio, P. E., Whitestone Associates, Inc., 1120 Welsh Rd., Suite 100, North Wales, PA 19454, on behalf of Michael Young, 229 W. Upsal St., Philadelphia, PA 19119, has submitted a Remedial Investigation/Cleanup Report concerning the remediation of site soil and groundwater contaminated with lead and PAH. The Department on June 14, 2004, approved the report.

**Doylestown Liquor Store**, Doylestown Borough, **Bucks County**. Ethan E. Prout, P. G., American Resource Consultants, Inc. P. O. Box 579, Quakertown, PA 18951 has submitted a Final Report concerning the remediation of site soil contaminated with no. 2 fuel oil. The Final Report was submitted within 90 days of the release and demonstrated attainment of the Statewide Health Standard and was approved by the Department on June 15, 2004.

**Chester Township Commerce Drive**, Chester Township, **Delaware County**. Jason R. Free, RT Environmental Servicers, Inc., 510 Herron Dr., P. O. Box 521, Bridgeport, NJ 08014, on behalf of Peter Schultz, 200 Phillips Rd., Exton, PA 19341-1326, has submitted a Final Report concerning the remediation of site soil contaminated with no. 2 fuel oil. The Final Report demonstrated attainment of the Statewide Health Standard and was approved by the Department on June 16, 2004.

*Southwest Region: Environmental Cleanup Program Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745.*

**Reitz No. 4 Site (Former)**, Shade Township, **Allegheny County**. Peter A. Pellissier, P. E., EA Engineering, Science and Technology, Inc., 15 Loveton Circle, Sparks, MD 21152 (on behalf of Alan Comp, AMD&ART, Inc., 411 Third Ave., Johnstown, PA 15906) has submitted a Final Report concerning remediation of site soil and groundwater contaminated with inorganics, other organics, PCBs and PAHs. The Final Report demonstrated attainment of the Statewide Health Standard and was approved by the Department on June 9, 2004.

**REGISTRATION FOR GENERAL  
PERMIT—RESIDUAL WASTE**

**Registration Approved under the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003), the Residual Waste Planning, Recycling and Waste Reduction Act (53 P. S. §§ 4000.101—4000.1904) and residual waste regulations for a general permit to operate residual waste processing facilities and/or the beneficial use of residual waste other than coal ash.**

*Central Office: Division of Municipal and Residual Waste, Rachel Carson State Office Building, 14th Floor, 400 Market Street, Harrisburg, PA 17105-8472.*

**Registration under General Permit No. WMGR090R034. Peter J. Caruso & Sons, Inc.,** 352 Baldwin Road, Pittsburgh, PA 15207. General Permit No. WMGR090 authorizes the processing and beneficial use of reclaimed asphalt pavement materials as a roadway construction material. Central Office approved this registration for coverage under the general permit on June 17, 2004.

Persons interested in obtaining more information or obtaining copies of the general permit should contact Ronald C. Hassinger, Chief, General Permits and Beneficial Use Section, Division of Municipal and Residual Waste, Bureau of Land Recycling and Waste Management, Rachel Carson State Office Building, P. O. Box 8472, Harrisburg, PA 17105-8472, (717) 787-7381. TDD users should contact the Department through the Pennsylvania Relay Service, (800) 654-5984.

**AIR QUALITY**

**Plan Approvals Issued under the Air Pollution Control Act (35 P. S. §§ 4001—4015) and regulations in 25 Pa. Code Chapter 127, Subchapter B relating to construction, modification and reactivation of air contamination sources and associated air cleaning devices.**

*Southeast Region: Air Quality Program, 2 East Main Street, Norristown, PA 19401; Thomas McGinley, New Source Review Chief, (484) 250-5920.*

**46-0243: Upper Montgomery Joint Authority** (1100 Mensch Dam Road, Pennsburg, PA 18073) on June 16, 2004, to operate a thermal fluid dryer in Upper Hanover Township, **Montgomery County**.

**46-0027A: Ortho McNeil Pharmaceutical** (Welsh and McKean Road, Spring House, PA 19477) on June 17, 2004, to operate a selective catalytic reduction in Lower Gwynedd Township, **Montgomery County**.

*Northeast Region: Air Quality Program, 2 Public Square, Wilkes-Barre, PA 18711-0790; Mark Wejkszner, New Source Review Chief, (570) 826-2531.*

**40-309-037B: Polyglass USA, Inc.** (555 Oak Ridge Drive, Hazleton, PA 18201) on June 8, 2004, to construct a second asphalt roofing production line and to utilize the existing air cleaning devices at their facility in Hazle Township, **Luzerne County**.

**40-303-009C: Pennsy Supply, Inc.** (1001 Paxton Street, Harrisburg, PA 17104) on June 16, 2004, to modify a batch asphalt plant and associated air cleaning device to utilize waste derived liquid fuel and recycled asphalt pavement material at their plant in Jenkins Township, **Luzerne County**.

*Southwest Region: Air Quality Program, 400 Waterfront Drive, Pittsburgh, PA 15222-4745; William Charlton, New Source Review Chief, (412) 442-4174.*

**56-00263C: RoxCoal, Inc.** (P. O. Box 149, Friedens, PA 15541) on June 21, 2004, to install a screening plant at their Sarah Mine in Jenner Township, **Somerset County**.

*Northwest Region: Air Quality Program, 230 Chestnut Street, Meadville, PA 16335-3481; Devendra Verma, New Source Review Chief, (814) 332-6940.*

**43-011D: Greenville Metals, Inc.** (99 Crestview Drive Ext., Transfer, PA 16154) on June 8, 2004, to change the sulfur dioxide emission limit for the MnS Exothermic Reaction Process at the Greenville Metals site in Pymatuning Township, **Mercer County**.

**Plan Approval Revisions Issued including Extensions, Minor Modifications and Transfers of Ownership under the Air Pollution Control Act and 25 Pa. Code §§ 127.13, 127.13a and 127.32.**

*Southeast Region: Air Quality Program, 2 East Main Street, Norristown, PA 19401; Thomas McGinley, New Source Review Chief, (484) 250-5920.*

**15-0078A: Centocor, Inc.** (200 Great Valley Parkway, Malvern, PA 19355) on June 15, 2004, to modify the operation of a 2,000 kW electric generator in East Whiteland Township, **Chester County**.

*Northeast Region: Air Quality Program, 2 Public Square, Wilkes-Barre, PA 18711-0790; Mark Wejkszner, New Source Review Chief, (570) 826-2531.*

**48-328-004: Lower Mount Bethel Energy LLC** (2 North Ninth Street, GEN PL 6, Allentown, PA 18101) on June 15, 2004, to construct a combined cycle power plant at their facility on Depues Ferry Road, **Northampton County**.

*Southcentral Region: Air Quality Program, 909 Elmerton Avenue, Harrisburg, PA 17110; Ronald Davis, New Source Review Chief, (717) 705-4702.*

**22-05046A: Haines and Kibblehouse, Inc.** (P. O. Box 196, Skippack, PA 19474-0196) on June 14, 2004, to construct a fabric filter at their Handwerk Materials asphalt plant in Lower Swatara Township, **Dauphin County**. This plan approval was extended.

**28-03042: Advanced Recycling Technology, Inc.** (340 South Broad Street, Hallam, PA 17406) on June 1, 2004, to construct an industrial dryer in Greene Township, **Franklin County**. This plan approval was extended.

**29-03008A: H. B. Mellott Estate, Inc.** (100 Mellott Drive, Suite 100, Warfordsburg, PA 17267) on May 18, 2004, to install a replacement fabric filter at their limestone crushing plant in Bethel Township, **Fulton County**. This plan approval was extended.

*Northcentral Region: Air Quality Program, 208 West Third Street, Williamsport, PA 17701; David Aldenderfer, Program Manager, (570) 327-3637.*

**41-0008A: Koppers Industries, Inc.** (P. O. Box 189, Montgomery, PA 17752) on June 11, 2004, to operate a wood-fired boiler fuel feeding system and associated air cleaning device (a fabric collector) on a temporary basis, until October 9, 2004, in Clinton Township, **Lycoming County**. The Plan Approval has been extended.

**Operating Permits for Non-Title V Facilities Issued under the Air Pollution Control Act and 25 Pa. Code Chapter 127, Subchapter F.**

*Southcentral Region: Air Quality Program, 909 Elmerton Avenue, Harrisburg, PA 17110; Ronald Davis, New Source Review Chief, (717) 705-4702.*

**38-03012: Sheridan Supply Co., Inc.** (R. D. 2, 7 Furnace Road, Newmanstown, PA 17073) on June 14, 2004, to operate a crushing facility in Millcreek Township, **Lebanon County**.

*Southwest Region: Air Quality Program, 400 Waterfront Drive, Pittsburgh, PA 15222-4745; Mark Wayner, Facilities Permitting Chief, (412) 442-4174.*

**26-00045: Coolspring Stone Supply, Inc.** (P. O. Box 1328, Uniontown, PA 15401) on June 17, 2004, for their Coolspring Quarry in North Union Township, **Fayette County**.

**Operating Permit Revisions Issued including Administrative Amendments, Minor Modifications or Transfers of Ownership under the Air Pollution Control Act and 25 Pa. Code §§ 127.412, 127.450, 127.462 and 127.464.**

*Southeast Region: Air Quality Program, 2 East Main Street, Norristown, PA 19401; Edward Jurdones Brown, Facilities Permitting Chief, (484) 250-5920.*

**23-0003: ConocoPhillips Co.** (P. O. Box 428, Marcus Hook, PA 19061) on April 29, 2004, amended RACT facility major NOx and VOC in Trainer Borough, **Delaware County**.

*Northcentral Region: Air Quality Program, 208 West Third Street, Williamsport, PA 17701; David Aldenderfer, Program Manager, (570) 327-3637.*

**49-304-004A: Somerset Consolidated Industries, Inc.—Watsonstown Foundry Division** (Fifth and Ash Streets, Watsonstown, PA 17777) on June 11, 2004, to allow the production of up to 125 tons of Ni Hard per year in an electric induction iron melting furnace previously limited to the production of gray and ductile iron only provided that the Ni Hard production does not require the use of more than 12,000 pounds of nickel and 5,000 pounds of ferrochrome per year and, additionally, to allow the combined use of up to 100 pounds per year of nickel, ferrochrome, ferromoly and ferromanganese in the production of alloys other than Ni Hard in Watsonstown Borough, **Northumberland County**. Ferrochrome, ferromoly and ferromanganese contain chromium, molybdenum and manganese, respectively, all three of which are HAPs, as is nickel.

**ACTIONS ON COAL AND NONCOAL MINING ACTIVITY APPLICATIONS**

**Actions on applications under the Surface Mining Conservation and Reclamation Act (52 P. S. §§ 1396.1—1396.19a); the Noncoal Surface Mining Conservation and Reclamation Act (52 P. S. §§ 3301—3326); The Clean Streams Law (35 P. S. §§ 691.1—691.1001); the Coal Refuse Disposal Control Act (52 P. S. §§ 30.51—30.66); and The Bituminous Mine Subsidence and Land Conservation Act (52 P. S. §§ 1406.1—1406.21).** The final action on each application also constitutes action on the request for 401 Water Quality Certification and the NPDES permit application. Mining activity permits issued in response to the applications will also address the application permitting requirements of the following statutes: the Air Quality Control Act (35 P. S. §§ 4001—4015); the Dam Safety and Encroachments Act (32 P. S. §§ 693.1—693.27); and the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003).

*Coal Permit Actions*

*Pottsville District Mining Office: 5 West Laurel Boulevard, Pottsville, PA 17901-2454, (570) 621-3118.*

**35910102R2. Silverbrook Anthracite, Inc.** (1 Market Street, Laffin, PA 18702), renewal of an existing anthracite surface mine operation in Archbald Borough, **Lackawanna County**, affecting 1,000.3 acres. Receiving stream: None. Application received February 28, 2003. Renewal issued June 16, 2004.

*California District Mining Office: 25 Technology Drive, California Technology Park, Coal Center, PA 15423, (724) 769-1100.*

**30841307 and NPDES Permit No. PA0213438. RAG Emerald Resources, LP** (P. O. Box 1020, 158 Portal Road, Waynesburg, PA 15370), to revise the permit for the Emerald Mine No. 1 in Whiteley Township, **Greene County**, to add acreage to install five additional ventilation boreholes. Surface Acres Proposed 1.58. No additional discharges. Permit issued June 16, 2004.

*Knox District Mining Office: White Memorial Building, P. O. Box 669, Knox, PA 16232-0669, (814) 797-1191.*

**61990103. Ancient Sun, Inc.** (P. O. Box 129, Main Street, Shippensburg, PA 16254), revision to an existing bituminous strip operation to change the post-mining land use from forestland to pastureland/land occasionally cut for hay on the Albert M. and Pamela Desko property in Clinton Township, **Venango County**. Receiving streams: unnamed tributary to Bullion Run. Application received March 17, 2004. Permit issued June 14, 2004.

**33980103 and NPDES Permit No. PA0227722. Original Fuels, Inc.** (P. O. Box 343, Punxsutawney, PA 15767), renewal of an existing bituminous strip operation in Warsaw Township, **Jefferson County**, affecting 74.3 acres. Receiving streams: unnamed tributary to Mill Creek. This renewal is issued for reclamation only. Application received April 12, 2004. Permit issued June 10, 2004.

**33950106 and NPDES Permit No. PA0227081. Falls Creek Energy Co., Inc.** (P. O. Box 231, Kittanning, PA 16201), transfer of an existing bituminous strip operation from Beth Contracting, Inc. in Perry Township, **Jefferson County**, affecting 148.4 acres. Receiving streams: unnamed tributary to Mahoning Creek, unnamed tribu-

tary to Sawmill Run, unnamed tributary to Rose Run. Application received March 24, 2004. Permit issued June 14, 2004.

*Moshannon District Mining Office: 186 Enterprise Drive, Philipsburg, PA 16866, (814) 342-8200.*

**17020109 and NPDES Permit No. PA0243302. Gary C. Walls** (P. O. Box 212, Clymer, PA 15728-0212). commencement, operation and restoration of a bituminous surface mine-auger permit in Bell Township, **Clearfield County**, affecting 40.6 acres. Receiving streams: unnamed tributary to West Branch Susquehanna River, Martin Run to West Branch Susquehanna River (CWF). The first downstream potable water supply intake from the point of discharge is beyond 10 miles of the site. Application received August 2, 2002. Application returned: June 16, 2004.

**17663136 and NPDES Permit No. PA0126870. EnerCorp, Inc.** (1686 Allport Cutoff, Morrisdale, PA 16858), renewal of an existing bituminous surface mine permit in Graham Township, **Clearfield County**, affecting 202 acres. Receiving streams: Flat Run and Mons Run, both to Alder Run to West Branch Susquehanna to Susquehanna River. Application received May 27, 2004. Permit issued June 16, 2004.

#### *Noncoal Permit Actions*

*Pottsville District Mining Office: 5 West Laurel Boulevard, Pottsville, PA 17901-2454, (570) 621-3118.*

**58040820. Richard Luce** (R. R. 1, Box 1652, Hallstead, PA 18822), commencement, operation and restoration of a small noncoal surface mining quarry (bluestone, top rock, shale and fill) in Liberty Township, **Susquehanna County**, affecting 2.0 acres. Receiving streams: Rhiney Creek and unnamed tributary to Snake Creek. Application received March 24, 2004. Permit issued June 15, 2004.

**64042801. Pykus Sand & Gravel, Inc.** (R. R. 1, Box 1402, Honesdale, PA 18431), transfer and enlargement of the Margaret D. Fasceski Small Noncoal Surface Mining Permit No. 64810303 (shale, sandstone and fill) in Lebanon Township, **Wayne County**, affecting 5.0 acres. Receiving streams: Big Brook. Application received February 12, 2004. Permit issued June 16, 2004.

*Moshannon District Mining Office: 186 Enterprise Drive, Philipsburg, PA 16866, (814) 342-8200.*

**08030811. Cecil Johnson, Jr.** (R. R. 4, Box 4158, Wyalusing, PA 18853), commencement, operation and restoration of a small industrial minerals (bluestone/shale) permit in Asylum Township, **Bradford County**, affecting 5 acres. Receiving streams: Bennetts Creek, tributary to Susquehanna River. Application received December 8, 2003. Permit issued June 16, 2004.

**41040801. Kevin J. Shepard** (364 Smith Road, Roaring Branch, PA 17765), commencement, operation and restoration of a small industrial mineral (flagstone/shale) permit in McNett Township, **Lycoming County**, affecting 5 acres. Receiving streams: unnamed tributary, tributary to Lycoming Creek. Application received March 11, 2004. Permit issued June 8, 2004.

**14992801. John S. Craig** (450 Myers Lane, Julian, PA 16844), transfer of an existing small industrial minerals (shale/topsoil) permit from B & K Excavating and Landscaping, Inc. The permit is in Huston Township, **Centre County** and affects 1 acre. Receiving streams: unnamed tributary, tributary to Bald Eagle Creek. Application received April 24, 2004. Permit issued June 7, 2004.

**18040801. Benson W. Probst** (668 German Road, Lock Haven, PA 17745), commencement, operation and restoration of a small industrial minerals (topsoil) permit in Wayne Township, **Clinton County**, affecting 5 acres. Receiving streams: Susquehanna River, Chesapeake Bay. Application received March 25, 2004. Permit issued June 7, 2004.

#### **ACTIONS ON BLASTING ACTIVITY APPLICATIONS**

**Actions on applications under the Explosives Acts of 1937 and 1957 (73 P. S. §§ 151—161) and 25 Pa. Code § 211.124. Blasting activity performed as part of a coal or noncoal mining activity will be regulated by the mining permit for that coal or noncoal mining activity.**

*Pottsville District Mining Office: 5 West Laurel Boulevard, Pottsville, PA 17901-2454, (570) 621-3118.*

**36044051. J. Roy's, Inc.** (Box 125, Bowmansville, PA 17507), construction blasting for Masonic Homes on Amosite Road and SR 241 in West Donegal Township, **Lancaster County**, with an expiration date of July 8, 2005. Permit issued June 16, 2004.

**22044016. J. Roy's, Inc.** (Box 125, Bowmansville, PA 17507), construction blasting for Victoria Abby in Lower Paxton Township, **Dauphin County**, with an expiration date of July 8, 2005. Permit issued June 16, 2004.

**36044054. Warren's Excavating & Drilling, Inc.** (P. O. Box 189, Bowmansville, PA 17507), construction at Murry Ridge Development in West Hempfield Township, **Lancaster County**, with an expiration date of December 31, 2004. Permit issued June 16, 2004.

**06044025. Schlouch, Inc.** (Excelsior Industrial Park, P. O. Box 69, Blandon, PA 19510), construction blasting for housing on Grande Valley Road, Lots 57 and 58 in Exeter Township, **Berks County**, with an expiration date of July 8, 2005. Permit issued June 16, 2004.

**36044052. Gerlach's Drilling & Blasting, Inc.** (172 Bender Mill Road, Lancaster, PA 17603), construction blasting at Sterling Place in Lancaster Township, **Lancaster County**, with an expiration date of July 8, 2005. Permit issued June 16, 2004.

**36044053. Gerlach's Drilling & Blasting, Inc.** (172 Bender Mill Road, Lancaster, PA 17603), construction blasting for Manheim Auto Auction expansion in Penn Township, **Lancaster County**, with an expiration date of July 8, 2005. Permit issued June 16, 2004.

**15044021. Brubacher Excavating, Inc.** (P. O. Box 528, 825 Reading Road, Bowmansville, PA 17507), construction blasting at East Coventry Offsite Waterline in East Coventry Township, **Chester County**, with an expiration date of July 11, 2005. Permit issued June 16, 2004.

**36044056. Gerlach's Drilling & Blasting, Inc.** (172 Bender Mill Road, Lancaster, PA 17603), construction blasting at 821 Landisville Road (Manure Pit and Barn Improvements) in East Hempfield Township, **Lancaster County**, with an expiration date of July 11, 2005. Permit issued June 16, 2004.

**36044055. J. Roy's, Inc.** (Box 125, Bowmansville, PA 17507), construction blasting at Lititz Elementary School in Lititz Borough, **Lancaster County** with an expiration date of July 11, 2005. Permit issued June 16, 2004.

**36044057. Gerlach's Drilling & Blasting, Inc.** (172 Bender Mill Road, Lancaster, PA 17603), construction

blasting at Owl Bridge Road (New Hog House) in Manor Township, **Lancaster County**, with an expiration date of July 11, 2005. Permit issued June 16, 2004.

**15044022. Horst Drilling & Blasting, Inc.** (141 Ranck's Church Road, New Holland, PA 17557), construction blasting at Bailey Station in Caln Township, **Chester County**, with an expiration date of July 11, 2005. Permit issued June 16, 2004.

**15044023. Horst Drilling & Blasting, Inc.** (141 Ranck's Church Road, New Holland, PA 17557), construction blasting at Dupont Property in West Bradford Township, **Chester County**, with an expiration date of July 11, 2004. Permit issued June 16, 2004.

**15044024. Horst Drilling & Blasting, Inc.** (141 Ranck's Church Road, New Holland, PA 17557), construction blasting at Woods at Rock Raymond in Caln Township, **Chester County**, with an expiration date of July 11, 2005. Permit issued June 16, 2004.

**38044008. Keystone Blasting Services** (381 Reifsnyder Road, Lititz, PA 17543), construction blasting at East Evergreen Development in South Lebanon Township, **Lebanon County**, with an expiration date of July 11, 2005. Permit issued June 16, 2004.

**38044009. Follmer Excavating, Inc.** (6 Summer Drive, Dillsburg, PA 17019) and **John W. Gleim, Jr., Inc.** (625 Hamilton Street, Carlisle, PA 17013), construction blasting at Thistledown Phase III in South Londonderry and Derry Townships, **Lebanon and Dauphin Counties**, with an expiration date of November 30, 2004. Permit issued June 16, 2004.

**49044003. Thomas M. Durkin & Sons, Inc.** (3030 Grant Avenue, Philadelphia, PA 19114) and **ORICA USA, Inc.** (5101 Beekmantown Road, Whitehall, PA 18062), construction blasting at Coal Township Industrial Park, Coal Township, **Northumberland County**, with an expiration date of October 31, 2004. Permit issued June 17, 2004.

**46044020. Brubacher Excavating, Inc.** (P. O. Box 528, 825 Reading Road, Bowmansville, PA 17507), construction blasting at Heritage Hills in Limerick and Lower Pottsgrove Townships, **Montgomery County**, with an expiration date of July 14, 2005. Permit issued June 18, 2004.

**15044025. Brubacher Excavating, Inc.** (P. O. Box 528, 825 Reading Road, Bowmansville, PA 17507), construction blasting at Creek View in East Coventry Township, **Chester County**, with an expiration date of July 16, 2005. Permit issued June 18, 2004.

**46044021. Joao & Bradley Construction Co., Inc.** (P. O. Box 20345, Lehigh Valley, PA 18002), construction blasting at Harrington Village in Franconia Township, **Montgomery County**, with an expiration date of March 15, 2005. Permit issued June 18, 2004.

**22044017. Liberty Excavators, Inc.** (4410 Gettysburg Road, Camp Hill, PA 17011), construction blasting at Gelder Park in Derry Township, **Dauphin County**, with an expiration date of December 14, 2004. Permit issued June 18, 2004.

*Greensburg District Mining Office: Armbrust Building, R. R. 2 Box 603-C, Greensburg, PA 15601-0982, (724) 925-5500.*

**63044002. Arden Landfill, Inc. and Waste Management, Inc.** (625 Cherrington Parkway, Moon Township, PA 15108), blasting activity permit at the Washington County Fairgrounds Community Project in Washington

and Chartiers Townships, **Washington County**. The expected duration of blasting is 1 year. Permit issued June 17, 2004.

**63044003. Smith Johnson Construction** (1745 East Main Street, Columbus, OH 43205), blasting activity permit for road construction of the Findlay connector—54C in Robinson and Findlay Townships, **Washington and Allegheny Counties**. The expected duration of blasting is 2 years. Permit issued June 21, 2004.

Persons aggrieved by an action may appeal, under section 4 of the Environmental Hearing Board Act (35 P. S. § 7514) and 2 Pa.C.S. §§ 501—508 and 701—704 (relating to the Administrative Agency Law), to the Environmental Hearing Board, Second Floor, Rachel Carson State Office Building, 400 Market Street, P. O. Box 8457, Harrisburg, PA 17105-8457, (717) 787-3483. TDD users should contact the Environmental Hearing Board (Board) through the Pennsylvania Relay Service, (800) 654-5984. Appeals must be filed with the Board within 30 days of publication of this notice in the *Pennsylvania Bulletin*, unless the appropriate statute provides a different time period. Copies of the appeal form and the Board's rules of practice and procedure may be obtained from the Board. The appeal form and the Board's rules of practice and procedure are also available in Braille or on audiotape from the Secretary of the Board at (717) 787-3483. This paragraph does not, in and of itself, create any right of appeal beyond that permitted by applicable statutes and decision law.

For individuals who wish to challenge an action, appeals must reach the Board within 30 days. A lawyer is not needed to file an appeal with the Board.

Important legal rights are at stake, however, so individuals should show this notice to a lawyer at once. Persons who cannot afford a lawyer may qualify for free pro bono representation. Call the Secretary to the Board at (717) 787-3483 for more information.

## FEDERAL WATER POLLUTION CONTROL ACT SECTION 401

The Department of Environmental Protection (Department) has taken the following actions on previously received permit applications, requests for Environmental Assessment approval and requests for Water Quality Certification under section 401 of the Federal Water Pollution Control Act (FWPCA) (33 U.S.C.A. § 1341).

Except as otherwise noted, the Department has granted 401 Water Quality Certification certifying that the construction and operation described will comply with the applicable provisions of sections 301—303, 306 and 307 of the FWPCA (33 U.S.C.A. §§ 1311—1313, 1316 and 1317) and that the construction will not violate applicable Federal and State water quality standards.

Persons aggrieved by an action may appeal, under section 4 of the Environmental Hearing Board Act (35 P. S. § 7514) and 2 Pa.C.S. §§ 501—508 and 701—704 (relating to the Administrative Agency Law), to the Environmental Hearing Board, Second Floor, Rachel Carson State Office Building, 400 Market Street, P. O. Box 8457, Harrisburg, PA 17105-8457, (717) 787-3483. TDD users should contact the Environmental Hearing Board (Board) through the Pennsylvania Relay Service, (800) 654-5984. Appeals must be filed with the Board within 30 days of publication of this notice in the *Pennsylvania Bulletin*, unless the appropriate statute provides a different time period. Copies of the appeal form and the Board's rules of practice and procedure may

be obtained from the Board. The appeal form and the Board's rules of practice and procedure are also available in Braille or on audiotape from the Secretary of the Board at (717) 787-3483. This paragraph does not, in and of itself, create any right of appeal beyond that permitted by applicable statutes and decision law.

For individuals who wish to challenge an action, appeals must reach the Board within 30 days. A lawyer is not needed to file an appeal with the Board.

Important legal rights are at stake, however, so individuals should show this notice to a lawyer at once. Persons who cannot afford a lawyer may qualify for free pro bono representation. Call the Secretary to the Board at (717) 787-3483 for more information.

**Actions on applications for the following activities filed under the Dam Safety and Encroachments Act (32 P. S. §§ 693.1—693.27), section 302 of the Flood Plain Management Act (32 P. S. § 679.302) and The Clean Streams Law (35 §§ 691.1—691.702) and Notice of Final Action for Certification under section 401 of the FWPCA (33 U.S.C.A. § 1341).**

*Permits, Environmental Assessments and 401 Water Quality Certifications Issued*

**WATER OBSTRUCTIONS AND ENCROACHMENTS**

*Northeast Region: Water Management Program Manager, 2 Public Square, Wilkes-Barre, PA 18711-0790.*

**E45-441A. Stroudsburg Area School District**, 123 Linden Street, Stroudsburg, PA 18360. Stroud Township, **Monroe County**, Army Corps of Engineers Philadelphia District.

To amend Permit No. E45-441 to include the following work: (1) to construct and maintain a 60-inch diameter RCP culvert (which replaces a previously authorized open-bottom CMP arch culvert having a span of 22.9 feet an underclearance of 14.0 feet) in 0.02 acre of PFO, EV wetlands; (2) to maintain an approximate 250-foot long R-6 riprap lined channel that was previously constructed in approximately 0.05 acre of PFO, EV wetlands to stabilize an eroded area; and (3) to maintain a temporary road crossing consisting of four 12-inch diameter culverts and three 24-inch diameter culverts and clean rock fill in Flagler Run (HQ-CWF) and 0.03 acre of adjacent wetlands. The total wetland impact for the project, including previously authorized impacts, is 0.52 acre. The permittee is required to provide 0.20 acre of replacement wetlands. This work is associated with the proposed Stroudsburg Area Middle School and is southwest of the existing school campus along SR 2011 (Chipperfield Drive) (Stroudsburg, PA Quadrangle N: 22.4 inches; W: 15.4 inches) (Subbasin: 1E).

*Southcentral Region: Water Management Program Manager, 909 Elmerton Avenue, Harrisburg, PA 17110.*

**E67-735: Turnpike Commission**, P. O. Box 67676, Harrisburg, PA 17106 in Highspire and Steelton Boroughs, Swatara and Lower Swatara Townships, **Dauphin County**, and Fairview Township, **York County**, ACOE Baltimore District.

To construct and maintain the eastbound and westbound bridges of the Pennsylvania Turnpike (I-76) across the Susquehanna River (WWF) with a total length of 3,780 feet with an average underclearance of 65 feet and then to remove the existing bridge; to extend and maintain the length of the existing 20-foot by 13.5-foot box culvert by 146.75 feet long at the channel of Laurel Run (WWF) and other related small structures and to fill

in 0.004 acre of de minimis wetland to rehabilitate I-76 from Milepost 245.72 to Interchange 19 (Steelton, PA Quadrangle N: 14.6 inches; W: 7.6 inches; N: 16.15 inches; W: 6.25 inches, respectively) in Fairview Township York County and in Steelton and Highspire Boroughs, Swatara and Lower Swatara Townships, Dauphin County. The wetland impact is considered a de minimis impact; therefore, a replacement wetland is not required.

**E07-368: Martinsburg Borough**, 133 East Allegheny Street, Martinsburg, PA 16662 in Martinsburg Borough and North Woodbury Township, **Blair County**, ACOE Baltimore District.

To construct and maintain 364 feet of 52-inch by 77-inch CMPA stream enclosure on an unnamed tributary to Plum Creek (WWF), an intermittent stream, at a point (Martinsburg, PA Quadrangle N: 10.5 inches; W: 10.7 inches) along Spring Street approximately 300 feet southeast of SR 866 and to construct and maintain an 8-foot long by 1-foot high rock diversion structure in the channel of an unnamed tributary to Plum Creek (WWF, perennial), temporarily impact 0.01 acre of PEM wetlands and to do minor grading on approximately 0.44 acre of the left floodway of the unnamed tributary to Plum Creek for the construction of a 0.21 acre PEM treatment wetland at a point (Martinsburg, PA Quadrangle N: 10.85 inches; W: 11.5 inches) approximately 200 feet southeast of the Martinsburg Sewage Treatment Plant in Martinsburg Borough and North Woodbury Township, Blair County. The project proposes direct permanent impacts to 372 linear feet of the channel of the unnamed tributary to Plum Creek, 0.44 acre of the left floodway of the unnamed tributary to Plum Creek and 0.01 acre of temporary PEM wetland impacts.

**E67-770: Springettsbury Township**, 1501 Mount Zion Road, York, PA 17402 in Springettsbury Township, **York County**, ACOE Baltimore District.

To construct and maintain a new roadway and associated fill in the floodplain of the Codorus Creek (WWF) and an outfall structure with a riprap rock apron discharging into Johnson's Run (CWF), all near the intersection of Eden Road and Route 30 (York, PA Quadrangle N: 20.5 inches; W: 13.25 inches) in Springettsbury Township, York County.

*Southwest Region: Water Management Program Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745.*

**E65-841. Dominion Transmission, Inc.**, 445 West Main Street, Clarksburg, WV 26301. Pipeline across a tributary to Haymakers Run in Washington and Bell Townships and the Municipality of Murrysville, **Westmoreland County**, Pittsburgh ACOE District.

To repair, operate and maintain a 9-mile long, 20-inch gas pipeline across a tributary to Haymakers Run (HQ-CWF), Pucketa Creek (TSF) and adjacent wetlands, Poke Run (HQ-CWF) and adjacent wetlands, two tributaries to Poke Run (HQ-CWF), Beaver Run (TSF) and three tributaries to Beaver Run (HQ-CWF) and adjacent wetlands. The pipeline begins at the J. B. Tokin station (Murrysville, PA Quadrangle N: 15.95 inches; W: 2.0 inches; Latitude: 40° 27' 46" and Longitude: 79° 38' 22") and ends just south of the Westmoreland/Armstrong County line (Vandergrift, PA Quadrangle N: 8.75 inches; W: 4.6 inches; Latitude 40° 32' 53" and Longitude: 79° 31' 59").

*Northwest Region: Water Management Program Manager, 230 Chestnut Street, Meadville, PA 16335-3481.*

**E10-383, Seneca Valley School District**, 124 Seneca School Road, Harmony, PA 16037. New lacrosse/soccer

field in Jackson Township, **Butler County**, ACOE Pittsburgh District (Evans City, PA Quadrangle N: 9.94 inches; W: 14.88 inches).

To place and maintain approximately 7,500 CY of fill material having dimensions 400 feet long, 220 feet wide and averaging 2.3 feet deep and to fill 0.15 acre of PEM and PSS wetlands all within the floodplain of the Little Connoquesnessing Creek (CWF) at a point 3,000 feet east of the intersection Interstate 79 and Seneca School Road on Seneca Valley School District property. The permittee is required to provide 0.20 acre of replacement wetlands.

**E10-388, Department of Transportation, District 10-0.** South Bear Creek bridge no. 2 replacement project in Fairview Township, **Butler County**, ACOE Pittsburgh District (Chicora, PA Quadrangle N: 20.18 inches; W: 15.14 inches).

To remove the existing reinforced concrete slab bridge having a clear span of 22 feet a minimum underclearance of 1.7 feet and to construct and maintain a precast concrete box culvert having an effective waterway opening 21 feet in length with a 3.5-foot rise and an instream length of 40 feet and to fill approximately 0.037 acre of PEM and PFO wetlands (de minimis) at a point along SR 1010 Section 250 Segment 310 Offset 0016 within the South Branch of Bear Creek (CWF).

**E10-389, Department of Transportation, District 10-0,** 2500 Oakland Avenue, Indiana, PA 15701-0429. South Bear Creek bridge no. 2 replacement project in Karns City Borough, **Butler County**, ACOE Pittsburgh District (Chicora, PA Quadrangle N: 20.18 inches; W: 15.14 inches).

To remove the existing reinforced concrete slab bridge having a clear span of 21.8 feet a minimum underclearance of 2.4 feet and to construct and maintain a precast concrete box culvert having an effective waterway opening 21.3 feet in length with a 4.0-foot rise and an instream length of 40.5 feet and to fill approximately .0023 acre of Riverine wetlands (de minimis) at a point along SR 1010 Section 251 Segment 310 Offset 1828 within the South Branch of Bear Creek (CWF).

**E10-391, Butler County,** P. O. Box 1208, Butler, PA 16003-1208. Hays Bridge replacement project, Butler County bridge no. 84 in Connoquesnessing Township, **Butler County**, ACOE Pittsburgh District (Evans City, PA Quadrangle N: 18.6 inches; W: 3.3 inches).

To remove the existing steel girder bridge with concrete deck and cut stone abutments having a clear span of 31 feet, a maximum underclearance of 9.5 feet and an instream length of 14 feet; and to construct and maintain a steel girder bridge with concrete deck and abutments having a clear span of 39.5 feet, a maximum underclearance of 8.65 feet and an instream length of 24 feet at a point across Semiconon Run (CWF) along Boy Scout Road approximately 1/2 mile west of the intersection of Boy Scout and Dick Roads.

**E10-392, Butler County,** P. O. Box 1208, Butler, PA 16003-1208. Snake Road bridge replacement project in Parker Township, **Butler County**, ACOE Pittsburgh District (Parker, PA Quadrangle N: 6.33 inches; W: 16.9 inches).

To remove the existing steel girder bridge with concrete deck having a clear span of 18 feet 2 inches, an instream length of 14 feet and an under clearance of approximately 8 feet and to construct and maintain a steel girder bridge with concrete deck having a clear span of 22 feet, an instream length of 25 feet and an approximate under

clearance of 8 feet at a point along Snake Road (T-638) spanning Silver Creek (HQ-CWF).

**E25-683, Waterford Borough Municipal Authority,** Waterford, PA 16441. Waterford Municipal Authority WWTP—man pump station upgrade in Waterford Borough, **Erie County**, ACOE Pittsburgh District (Waterford, PA Quadrangle Latitude: 41° 56' 20"; Longitude: 79° 58' 52").

To place and maintain fill material having dimensions 30 feet by 35 feet averaging 3.6 feet deep (approximately 140 cubic yards) at the Waterford Borough Municipal Authority pump station along SR 19/97 just north of the Waterford Township Boundary and within the floodplain of LeBoeuf Creek (TSF) to facilitate the placement of a backup generator with appurtenances as part of the pump station upgrade.

**E27-074, Richard J. Luty Sr.,** 2385 Saxonburg Road, Cheswick, PA 15024 in Kingsley Township, **Forest County**, ACOE Pittsburgh District (Mayburg, PA Quadrangle N: 16.7 inches; W: 11.5 inches).

The applicant proposes to fill 0.22 acre of PEM/PSS wetland for the construction of a cabin with attached porch, privy and associated 1,000-gallon holding tank approximately 0.4 mile east of the intersection of SR 666 and Bobbs Creek Road. Payment to the Department Wetland Replacement Project fund shall compensate for wetland impacts. This is an after-the-fact permit. The project has already been constructed. The project proposes to directly affect 0.22 acre of wetland.

[Pa.B. Doc. No. 04-1200. Filed for public inspection July 2, 2004, 9:00 a.m.]

### Availability of Technical Guidance

Technical guidance documents are on the Department of Environmental Protection's (Department) website: [www.dep.state.pa.us](http://www.dep.state.pa.us) (DEP Keyword: Participate). The "Current Inventory" heading is the Governor's list of nonregulatory guidance documents. The "Final Documents" heading is the link to a menu of the various Department bureaus and from there to each bureau's final technical guidance documents. The "Draft Technical Guidance" heading is the link to the Department's draft technical guidance documents.

The Department will continue to revise its nonregulatory documents, as necessary, throughout 2004.

#### *Ordering Paper Copies of Department Technical Guidance*

The Department encourages the use of the Internet to view guidance documents. When this option is not available, persons can order a bound paper copy of the latest inventory or an unbound paper copy of any of the final documents listed on the inventory by calling the Department at (717) 783-8727.

In addition, bound copies of some of the Department's documents are available as Department publications. Check with the appropriate bureau for more information about the availability of a particular document as a publication.

#### *Changes to Technical Guidance Documents*

Following is the current list of recent changes. Persons who have questions or comments about a particular document should call the contact person whose name and phone number is listed with each document.

*Final Technical Guidance*

DEP ID: 381-2208-001. Title: Experimental Onlot Wastewater Technology Verification Program. Description: The purpose of this policy is to establish a process for independent third party verification of the performance of experimental onlot wastewater technologies. The Experimental System Guidance (DEP ID: 362-0300-008) is hereby rescinded. Notice for public comment on the draft of this technical guidance was published at 34 Pa.B. 917 (February 14, 2004) with provision for a 30-day comment period. Comments were received, and a comment and response document is included with the final guidance. No changes have been made in the final guidance. Effective Date: July 3, 2004. Contact: Tom Franklin, (717) 783-1820, thfranklin@state.pa.us.

KATHLEEN A. MCGINTY,  
*Secretary*

[Pa.B. Doc. No. 04-1201. Filed for public inspection July 2, 2004, 9:00 a.m.]

**Mining and Reclamation Advisory Board Meeting**

A meeting of the Mining and Reclamation Advisory Board is scheduled for July 8, 2004, at 8:30 a.m. at the Best Western Genetti Lodge, Hazleton, PA.

Questions concerning this meeting should be directed to G. Nevin Strock, (717) 787-6842, gstrock@state.pa.us. The agenda and meeting materials will be available through the Public Participation Center on the Department of Environmental Protection's (Department) website: www.dep.state.us (DEP Keyword: Participate.).

Persons in need of accommodations as provided for in the Americans With Disabilities Act of 1990 should contact G. Nevin Strock at (717) 787-6842, gstrock@state.pa.us or through the Pennsylvania AT&T Relay Service at (800) 654-5984 (TDD) to discuss how the Department may accommodate their needs.

KATHLEEN A. MCGINTY,  
*Secretary*

[Pa.B. Doc. No. 04-1202. Filed for public inspection July 2, 2004, 9:00 a.m.]

**State Water Plan Statewide Water Resources Committee, Critical Water Planning Area Subcommittee Meeting**

The Critical Water Planning Area Subcommittee of the State Water Plan Statewide Water Resources Committee has scheduled a meeting to discuss the development of criteria/guidelines for designation of Critical Water Planning Areas. The meeting will be held at 10 a.m. on July 6, 2004, in the 14th Floor Conference Room, Rachel Carson State Office Building, 400 Market Street, Harrisburg, PA 17105.

Questions concerning this meeting should be directed to Susan K. Weaver, Water Planning Office, P. O. Box 2063, Harrisburg, PA 17105-2063, (717) 783-8055, suweaver@state.pa.us.

Persons with a disability who require accommodations to attend the meeting should contact the Department of Environmental Protection (Department) at (717) 705-2425

or through the Pennsylvania AT&T Relay Services at (800) 654-5984 (TDD) to discuss how the Department may accommodate their needs.

KATHLEEN A. MCGINTY,  
*Secretary*

[Pa.B. Doc. No. 04-1203. Filed for public inspection July 2, 2004, 9:00 a.m.]

**DEPARTMENT OF HEALTH****Emergency Medical Services Operating Fund Funding Priorities**

Under 28 Pa. Code §§ 1001.22 and 1001.23 (relating to criteria for funding; and allocation of funds), the Department of Health (Department) gives notice of priorities for the distribution by the regional emergency medical services (EMS) councils of funding from the Emergency Medical Services Operating Fund (EMSOF) for the fiscal year beginning July 1, 2004, and ending June 30, 2005.

The EMSOF is to be used to provide funding to maintain, improve and develop the quality of the EMS system in this Commonwealth. The Department finds that the EMSOF is not sufficient to fully fund the EMS system. Therefore, it gives notice, under 28 Pa. Code § 1001.22(d), that recipients of EMSOF funding from regional EMS councils may be required to contribute funds toward all purchases, acquisitions and projects for which the Department permits the use EMSOF moneys.

Each regional EMS council shall prioritize the distribution of its EMSOF allocation based upon the Statewide EMS Development Plan and its regional EMS development plan, subject to the funding priorities in this notice. By September 30, 2004, the regional EMS councils shall notify the providers and other appropriate entities of the established funding priorities, the application process, acquisition documentation requirements and processing deadlines. Each regional EMS council must complete all documents required for the distribution of EMSOF funding by June 30, 2005.

The Department may increase the amount of the initial payment or reimbursement from the EMSOF based upon the EMS development plans (State and regional) or documented financial hardship of a provider of EMS. A provider of EMS that seeks additional funds due to financial hardship shall be required to submit a financial disclosure statement and other documentation deemed necessary by the Department.

A provider of EMS applying for EMSOF funding must be in compliance, or aggressively pursuing full compliance, with all regulations, policies and priorities of the State and regional EMS systems.

Funds for purchases, acquisitions and projects for the fiscal year beginning July 1, 2004, and ending June 30, 2005, must be expended by the regional EMS council by June 30, 2005, unless a written request for an extension of time, not to exceed 90 calendar days, is submitted by the regional EMS council and approved by the Department prior to June 30, 2005.

*Funding Priorities*

These priorities are not ranked. The priorities must be considered before a regional EMS council distributes EMSOF moneys for initiatives that are not listed. Funding must be distributed consistent with the regional and



Statewide EMS development plans. Consequently, if the priorities in this notice have been funded and additional funding is available, the request to use EMSOF money towards nonpriority items must still be supported by the Statewide and regional EMS development plans.

- \* Development or improvement of an organizational risk management program (safety measures, hazard recognition/mitigation and the necessary organizational structure and support processes) proposed by an ambulance service. Proposals for funding must be comprehensive and include safe vehicle operations. Approval by the Department is required prior to funding.

- \* Recruitment and retention programs, including scholarships/tuition reimbursement for emergency medical technician and paramedic training in areas with high prehospital personnel vacancy rates as determined by the regional EMS council and approved by the Department.

- \* Automatic external defibrillators (AED) for Department-recognized quick response services (QRS) and basic life support (BLS) ambulance services.

- \* Equipment required to meet BLS and advanced life support (ALS) ambulance service licensure.

- \* Capnography equipment (especially wave-form end-tidal CO<sub>2</sub> monitor).

- \* An ambulance for ambulance services that operate a single ambulance older than 10 years or for more than 200,000 miles.

- \* Software/computer equipment to enable services to collect and transmit EMS patient care reports electronically.

- \* Communication equipment and capabilities for EMS response in areas with poor to no communication capability between ambulances and medical command facilities or between ambulances and receiving facilities.

- \* Quality assurance/improvement initiatives.

- \* Continuous positive airway pressure (CPAP) devices approved by the Department.

- \* Identification vests for mass casualty response and incident command roles.

- \* EMS personnel protective respiratory equipment approved by the Department to protect the EMS practitioner from communicable diseases transmitted from person to person through airborne mechanisms.

*Emergency Preparedness and Response Funding Requests*

Emergency preparedness and response funding requests must be based on local and response roles of services, regional needs and needs identified by threat

vulnerability analysis. Purchases must be coordinated with county emergency, fire service, HAZMAT and hospital organizations in the applicant's service area to assure interoperability and to prevent duplication. Funding requests relating to response to terrorism and emergency preparedness must have a clear connection to the regional EMS catastrophic plan and the regional EMS development plan. Priority will be given to fund the ambulance services in each region that have committed to participating in the EMS surge capability project and respond to requests for EMS services, both interstate and intrastate, as identified in the State and regional catastrophic casualty care plans.

*Provider Equipment*

Purchases by providers of EMS are not limited to equipment. This has been a point of misunderstanding in past years. If an EMS provider requests EMSOF moneys to purchase equipment, the eligible provider equipment list identifies equipment for which EMSOF funds will be made available to purchase. This chart identifies the types of providers of EMS eligible for equipment purchases supported by EMSOF funding and the maximum allowable cost upon which the EMSOF contribution will be calculated.

EMSOF will fund 60% of the maximum allowable cost of an equipment item for rural providers and will fund 50% of the maximum allowable cost of an equipment item for nonrural providers. An eligible provider is responsible for the balance of the purchase price. The provider may purchase an item for an amount that exceeds the maximum allowable cost, but the provider will be responsible for any amount exceeding that figure. The last two columns of the chart identify the percentage of EMSOF contribution towards the purchase price, up to the maximum allowable cost of the item, based upon whether the provider operates in a rural or nonrural area.

AED capability must be funded for a QRS or a BLS ambulance service prior to the service being approved to receive EMSOF funds towards the purchase of any other equipment.

Questions regarding the eligible provider equipment list or other matter addressed in this notice should be directed to Margaret Trimble, Director, Emergency Medical Services Office, Department of Health, P. O. Box 90, Harrisburg, PA 17108-0090, (717) 787-8740. Persons with a disability who require an alternative format of this notice (for example, large print, audiotape or Braille) should contact Margaret Trimble at the previous address or telephone number. Speech or hearing impaired persons may use VTT: (717) 783-6514 or the Pennsylvania AT&T Relay Service at (800) 654-5984 (TT).

*Eligible Provider Equipment List*

<i>Equipment Description</i>	<i>Life Expectancy</i>		<i>Eligible Purchase for</i>			<i>Allowable Costs<sup>1</sup></i>	<i>Nonrural (50%)</i>	<i>Rural (60%)</i>
	<i>ALS</i>	<i>ALS/SQ</i>	<i>BLS</i>	<i>QRS</i>	<i>QRS</i>			
EKG Monitor/Defibrillator with Pacer	5 years	Y	Y	N	N	12,000	6,000	7,200
12 Lead EKG <sup>2</sup>	5 years	Y	Y	N	N	20,000	10,000	12,000
AED	5 years	N	N	Y <sup>3</sup>	Y <sup>3</sup>	3,500	1,750	2,100
Oxygen Equipment (any combination) Cylinder Demand Valve w/Hose and Mask Regulator (combination or constant flow) Case	5 years	Y	Y	Y	Y	500	250	300
Capnography Equipment	3 years	Y	Y	N	N	3,000	1,500	1,800

Equipment Description	Life Expectancy	Eligible Purchase for				QRS	Allowable Nonrural Costs <sup>1</sup>	Nonrural (50%)	Rural (60%)
		ALS	ALS/SQ	BLS					
CPAP Ventilation Portable Equipment	5 years	Y	Y	N	N	900	450	540	
Pulse Oximeter	5 years	Y	Y	N	N	700	350	420	
Nitrous Oxide Delivery System	5 years	Y	Y	N	N	2,000	1,000	1,200	
Intravenous Infusion Pumps	5 years	Y	Y	N	N	2,000	1,000	1,200	
Adult/Pediatric Intubation Kits	5 years	Y <sup>8</sup>	Y <sup>8</sup>	N	N	600	300	360	
Transtracheal Jet Insufflators	5 years	Y	Y	N	N	200	100	120	
Splinting/Immobilization Devices (any combination)	3 years	Y	Y	Y	Y	500	250	300	
Backboard									
Cervical Immobilization Device									
Splints (rigid, traction, and the like)									
Stairchair	5 years	Y	N	Y	N	1,650	825	990	
Stretcher—Primary	5 years	Y	N	Y	N	3,500	1,750	2,100	
Stretcher/Chair Combination	5 years	Y	N	Y	N	700	350	420	
Suction (portable, battery operated)	3 years	Y	Y	Y	Y	800	400	480	
Ventilator, Automatic (per Department guidelines)	5 years	Y <sup>4</sup>	Y <sup>4</sup>	Y <sup>5</sup>	Y <sup>5</sup>	2,200	1,100	1,320	
Ambulance	—	Y	N	Y	N	—	15,000	20,000	
Squad/Response Vehicle	—	N	Y	N	Y	—	7,500	9,000	
Data Collection Software <sup>6</sup>	—	Y	Y	Y	Y	1,700	1,700	1,700	
Data Collection Hardware <sup>7</sup>	3 years	Y	Y	Y	Y	1,500	750	900	
Radio, Mobile (one per vehicle)	5 years	Y <sup>9</sup>	Y <sup>9</sup>	Y <sup>9</sup>	Y <sup>9</sup>	3,500	1,750	2,100	
Radio, Portable (one per vehicle)	5 years	Y <sup>9</sup>	Y <sup>9</sup>	Y <sup>9</sup>	Y <sup>9</sup>	3,500	1,750	2,100	
Triage Vest Set	5 years	Y	Y	Y	Y	150	75	90	
Alerting Equipment (five per service at \$400 each)	5 years	Y <sup>9</sup>	Y <sup>9</sup>	Y <sup>9</sup>	Y <sup>9</sup>	2,000	1,000	1,200	
Vehicle Safety Monitoring Systems	5 years	Y	Y	Y	Y	3,500	1,750	2,100	

<sup>1</sup> All figures are dollar amounts for each item of equipment.

<sup>2</sup> Amount includes \$1,000 for communications package. Receiving facility must have appropriate communications capabilities.

<sup>3</sup> Must be an approved AED service or part of regional planning and AED medical director required.

<sup>4</sup> Completion of approved training program required.

<sup>5</sup> Completion of approved training program required and BLS service medical director approval required.

<sup>6</sup> Must be a Department-approved software program, version and vendor.

<sup>7</sup> Data collection hardware may include computer, modem, printer, backup device and battery system.

<sup>8</sup> Must be durable equipment, not disposable equipment.

<sup>9</sup> Must be compatible with regional and State EMS communications plan.

CALVIN B. JOHNSON, M.D., M.P.H.,  
Secretary

[Pa.B. Doc. No. 04-1204. Filed for public inspection July 2, 2004, 9:00 a.m.]

### Human Immunodeficiency Virus (HIV) Community Prevention Planning Committee Public Meeting

The Statewide HIV Community Prevention Planning Committee, established by the Department of Health (Department) under sections 301(a) and 317(b) of the Public Health Service Act (42 U.S.C.A. §§ 241(a) and 247(b)), will hold a public meeting on Tuesday, July 6, 2004, from 9 a.m. to 3 p.m. at the Best Western Inn and Suites, 815 Eisenhower Boulevard, Middletown, PA, 17057.

The Department reserves the right to cancel this meeting without prior notice.

For additional information or persons with a disability who wish to attend the meetings and require an auxiliary aid, service or other accommodation to do so, contact Thomas M. DeMelfi, Department of Health, Bureau of Communicable Diseases, (717) 783-0572, for speech

and/or hearing impaired persons, V/TT (717) 783-6514 or the Pennsylvania AT&T Relay Services at (800) 654-5984.

CALVIN B. JOHNSON, M.D., M.P.H.,  
Secretary

[Pa.B. Doc. No. 04-1205. Filed for public inspection July 2, 2004, 9:00 a.m.]

## DEPARTMENT OF PUBLIC WELFARE

### Designated Exceptional Durable Medical Equipment

On February 9, 2002, the Department of Public Welfare (Department) announced the adoption of amendments to 55 Pa. Code Chapter 1187 (relating to nursing facility

services). The amendments were adopted under sections 201 and 443.1 of the Public Welfare Code (62 P. S. §§ 201 and 443.1) and sections 1396a and 1396r of the Social Security Act (42 U.S.C.A. §§ 1396a and 1396r). The amendments expand the Department's exceptional payment policy to authorize additional payments to nursing facilities for nursing facility services provided to certain Medical Assistance residents who require medically necessary exceptional durable medical equipment (DME). See 32 Pa.B. 734 (February 9, 2002).

The amendments require the Department to publish an annual list of exceptional DME by notice in the *Pennsylvania Bulletin* in July of each year. Interested persons may petition the Department to consider additions to the exceptional DME list by submitting a written request to the Department. Requests received on or before December 31 will be considered in developing the list for the following July.

During calendar year 2003, the Department received no written requests to add or remove items of DME from the list of exceptional DME. Therefore, this notice makes no changes in either the acquisition cost or the list of qualifying DME.

Exceptional DME is defined as DME that has an acquisition cost of \$5,000 or more and is either specially adapted DME or other DME that is designated as exceptional DME by the Department annually by notice in the *Pennsylvania Bulletin*.

Specially adapted DME is DME that is uniquely constructed or substantially adapted or modified in accordance with the written orders of a physician for the particular use of one resident, making its contemporaneous use by another resident unsuitable.

The list of exceptional DME that has been designated by the Department is as follows:

(1) *Air fluidized beds*. The pressure relief provided by this therapy uses a high rate of airflow to fluidize fine particulate material (for example, beads or sand) to produce a support medium that has characteristics similar to liquid. May have a Gortex cover.

(2) *Powered air flotation bed (low air loss therapy)*. A semielectric or total electric bed with a fully integrated powered pressure-reducing mattress which is characterized by all of the following:

(a) An air pump or blower with a series of interconnected woven fabric air pillows which provides sequential inflation and deflation of the air cells or a low interface pressure throughout the mattress allowing some air to escape through the support surface to the resident. May have a Gortex cover.

(b) Inflated cell height of the air cells through which air is being circulated is 5 inches or greater.

(c) Height of the air chambers, proximity of the air chambers to one another, frequency of air cycling (for alternating pressure mattresses) and air pressure provide adequate patient lift, reducing pressure and prevent bottoming out.

(d) A surface designed to reduce friction and shear.

(e) May be placed directly on a hospital bed frame.

(f) Automatically readjusts inflation pressures with change in position of bed (for example, head elevation, and the like).

(3) *Augmentative communication devices*. Used by residents who are unable to use natural oral speech as a

primary means of communication. The specific device requested must be appropriate for use by the resident and the resident must demonstrate the abilities or potential abilities to use the device selected. Portable devices need to supplement, aid or serve as an alternative to natural speech for residents with severe expressive communication disorders. Nonportable devices may be covered only if required for visual enhancement or physical access needs that cannot be accommodated by a portable device.

(4) *Ventilators (and related supplies)*.

(a) Used by residents 21 years of age and older who require full ventilator support for a minimum of 8 hours per day to sustain life.

(b) Used by residents 20 years of age and younger who require ventilator support to sustain life (no minimum time requirement).

*Effective Date*

This notice is effective upon publication in the *Pennsylvania Bulletin*.

*Public Comments*

Interested persons are invited to submit written comments regarding this notice to the Department within 30 days of publication in the *Pennsylvania Bulletin* to Gail Weidman, Long Term Care Policy Section, Department of Public Welfare, Division of Long Term Care Client Services, P. O. Box 2675, Harrisburg, PA 17105. Persons with a disability may use the AT&T Relay Service, (800) 654-5984 (TDD users) or (800) 654-5988 (voice users).

ESTELLE B. RICHMAN,  
*Secretary*

**Fiscal Note:** 14-NOT-386. No fiscal impact; (8) recommends adoption.

[Pa.B. Doc. No. 04-1206. Filed for public inspection July 2, 2004, 9:00 a.m.]

## DEPARTMENT OF TRANSPORTATION

### Addendum and Revision of the Listing of Approved Speed-Timing Devices and Appointment of Maintenance and Calibration Stations

The Department of Transportation (Department), Bureau of Motor Vehicles, under the authority of 75 Pa.C.S. § 3368 (relating to speed timing devices), published at 33 Pa.B. 6469 (December 27, 2003) a notice of approved speed-timing devices and maintenance and calibration stations for use until the next comprehensive list is published.

*Addition*

As an addendum to the list of approved Official Maintenance and Calibration Stations, the Department hereby gives notice of the addition, as a radar calibration inspection station, of the following station:

YIS/Cowden Group, Inc., 1049 North Hartley Street, York, York County, PA 17404. The station number will be R10.

Comments, suggestions or questions should be directed to Peter Gertz, Manager, Admin/Tech Support Section, Vehicle Inspection Division, Bureau of Motor Vehicles, Third Floor, Riverfront Office Center, 1101 South Front Street, Harrisburg, PA 17104, (717) 783-7016.

Other approved speed-timing devices and appointment of maintenance and calibration stations appear at 34

Pa.B. 1295 (February 28, 2004) and 34 Pa.B. 2140 (April 17, 2004).

ALLEN D. BIEHLER, P. E.,  
Secretary

[Pa.B. Doc. No. 04-1207. Filed for public inspection July 2, 2004, 9:00 a.m.]

## GOVERNOR'S OFFICE

### Regulatory Agenda

Executive Order 1996-1, requires all agencies under the jurisdiction of the Governor to submit for publication an agenda of regulations under development or consideration. The following is the seventeenth publication of the Administration's regulatory agenda, grouped by agency. Subsequent agendas will be published on the first Saturdays in February and July.

The agendas are compiled to provide members of the regulated community advanced notice of regulatory activity. It is the intention of the Administration that these agendas will serve to increase public participation in the regulatory process.

Agency contacts should be contacted for more information regarding the regulation and the procedure for submitting comments.

This Agenda represents the Administration's present intentions regarding future regulations. The nature and complexity of an individual regulation obviously will determine whether and when any particular regulation listed below (as well as any considered subsequent to publication of this Agenda) is published.

<i>Regulation Being Considered</i>	<i>Proposed Date of Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
<b>ADMINISTRATION</b>			
No regulations being developed or considered at this date.			
<b>AGING</b>			
Pa. Code Title VI Chapter 11 Older Adult Daily Living Centers	September 2005, as proposed.	This regulation is being reviewed for coordination with regulations from DPW and DOH. Review is also occurring as a result of Acts 169-96 and 13-97 amending the Older Adult Protective Services Act (35 P. S. §§ 10225.101—10225.5102) and of Executive Order 1996-1.	Robert Hussar 717-783-6207
Pa. Code Title VI Chapter 3 Fair Hearings and Appeals	June 2005, as proposed.	This regulation has been initially reviewed by stakeholders in response to passage of Acts 169-96 and 13-97 amending the Older Adult Protective Services Act (35 P. S. §§ 10225.101—10225.5102) and of Executive Order 1996-1. It is being reviewed internally to improve Departmental procedures and efficiencies.	Robert Hussar 717-783-6207
Pa. Code Title VI Chapter 21 Domiciliary Care Services for Adults	December 2005, as proposed.	A review of these regulations will be conducted in order to assure consistency with ongoing interdepartmental discussions regarding development of community living alternatives.	Robert Hussar 717-783-6207
Pa. Code Title VI Chapter 15 Protective Services for Older Adults	December 2004, as proposed	The law and regulations are under review in light of the decision of the Pennsylvania Supreme Court in <i>Nixon et al. v. Commonwealth, et al.</i> , which found the current protective services law and regulations to be unconstitutional.	Robert Hussar 717-783-6207
<b>AGRICULTURE</b>			
Domestic Animal 7 Pa. Code Chapter 2	June, 2005, as proposed.	This long-term project is intended to update the Department's regulatory authority to make it more consistent with the provisions of the Domestic Animal Law (3 Pa.C.S. §§ 2301—2389).	John Enck, VMD (717) 772-2852
Cervidae 7 Pa. Code Chapter 18	June, 2005, as proposed.	Act 190 of 2002 amended the Domestic Animal Law to require the Department to license and regulate cervidae livestock operations.	John Enck, VMD (717) 772-2852

<i>Regulation Being Considered</i>	<i>Proposed Date of Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
Animal Exhibition Sanitation 7 Pa. Code Chapter 21	June, 2005, as proposed.	Act 190 of 2002 amended the Domestic Animal Law to require the Department to enforce sanitation requirements at animal exhibitions, and to regulate as necessary to meet this requirement.	John Enck, VMD (717) 772-2852
Maple Products 7 Pa. Code Chapter 83	December, 2004, as proposed.	This regulation is required by the Maple Products Act (3 Pa.C.S. §§ 6101—6112). This regulation would establish standards, product quality practices and facility requirements relating to the production of maple syrup and maple products.	Lenchen Radle (717) 772-3234
Amusement Rides 7 Pa. Code Chapter 139	July, 2004, as proposed.	This regulation will update the current regulation at 7 Pa. Code Chapter 139 to reflect changes to the Amusement Ride Inspection Act (4 P. S. §§ 401—418).	Kent D. Shelhamer (717) 787-9089
Harness Racing Commission 58 Pa. Code Chapters 181, 183, 185 and 186—190	September, 2004, as proposed.	This regulation is necessary to update current regulations, make them more user-friendly and address conditions which exist in harness racing that did not exist when the current regulations were originally promulgated. This regulation is a long-term project and would amend 58 Pa. Code Chapters 181, 183, 185 and 186—190, including the general authority of the Commission and provisions relating to associations licensed to conduct pari-mutuel wagering, individual licensing, licensing of officials, rules of the conduct of races, veterinary practices, equine health and medication, wagering, due process and disciplinary action.	Anton J. Leppler (717) 787-5196
Land application of soil and groundwater contaminated with agricultural chemicals 7 Pa. Code Chapter 130d	July, 2004, as final.	This regulation is required under the Land Recycling and Environmental Remediation Standards Act, at 35 P. S. § 6026.101 et seq. This regulation would allow soil and groundwater contaminated with agricultural chemicals to be re-applied upon agricultural lands. Numerous comments have been received with respect to drafts of this regulation, and have been addressed in the final form regulation.	Vance R. Wagner (717) 772-5210
Fruit Tree Improvement Program 7 Pa. Code Chapter 120	November, 2006, as proposed.	This regulation would facilitate interstate and international export of Pennsylvania-grown fruit tree nursery stock. This regulation would amend 7 Pa. Code Chapter 120, which provides testing and inspection standards and procedures pursuant to which fruit tree nursery stock can be certified as to quality, consistency and disease/insect-free status. The regulation would be a technical update of current provisions, would bring this program into greater conformity with programs in other states and would provide more practical assistance to participating growers.	Ruth Welliver (717) 772-5222
Pesticide Regulations 7 Pa. Code Chapter 128	December, 2004, as proposed.	This regulation will amend 7 Pa. Code Chapter 128 and is necessary to update current regulations, to make them more user friendly, address pesticide security issues, set minimum certification age requirements, dealer licensing, and changes in federal pesticide registration changes.	David Scott (717) 772-5214

<i>Regulation Being Considered</i>	<i>Proposed Date of Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
Certification of Virus-Tested Geraniums 7 Pa. Code Chapter 122	September, 2006, as proposed.	This regulation would amend the current regulatory authority to update the voluntary program pursuant to which geranium producers may obtain the Department's certification of virus-tested geraniums. This amendment would establish an inspection fee to help cover the Department's costs in inspecting and testing geraniums offered for certification. This regulation would amend 7 Pa. Code Chapter 122 to: 1) expand the certification of virus-tested geraniums to include Culture-Indexed Geraniums, which are free from certain economically-important bacterial and fungal pathogens; and 2) establish a reasonable fee for the Department's inspection and certification services.	Ruth Welliver (717) 772-5222
Chemsweep Regulations 7 Pa. Code Chapter 128b	September, 2004, as final.	This regulation will amend 7 Pa. Code Chapter 128b to expand the pesticide disposal program which has been limited to agricultural pesticide products. The amendment will include all Commonwealth citizens who are in possession of cancelled, unused or suspended pesticides.	Vance Wagner (717) 772-5210
Nutrient Management Certification Program 7 Pa. Code Chapter 130b	August, 2004, as proposed	This regulation will amend 7 Pa. Code Chapter 130b and is necessary to update and correct inconsistencies in the current regulations, redefine specialist categories; allow flexibility for the Department to modify competency areas and training focus; determine additional competency area needs and clarify continuing education requirements. The revision of this regulation will allow participants in the certification program to remain qualified to meet nutrient management planning requirements established in section 7(a) of the Nutrient Management Act of 1993 (Act 6).	Johan E. Berger (717) 772-4189
Fertilizer Regulations 7 Pa. Code Chapter 73	March, 2005, as proposed.	This regulation will replace 7 Pa. Code Chapter 73 and implement provisions of 3 Pa.C.S.A. §§ 6701—6725 (Fertilizer Act).	John Breitsman (717) 772-5213
Soil and Plant Amendment Regulations 7 Pa. Code Chapter 130a	March, 2005, as proposed.	This regulation will replace 7 Pa. Code Chapter 130a and implement provisions of 3 Pa.C.S.A. §§ 6901—6921 (Soil and Plant Amendment Act).	John Breitsman (717) 772-5213
Dog Law 7 Pa. Code Chapters 23, 25 and 27	December, 2004, as proposed	House Bill 397 of 1996 accomplished revisions of the Dog Law that will necessitate regulatory revisions. This regulation is a long-term project and would amend 7 Pa. Code Chapters 23,25 and 27 to bring them into greater conformity with statutory revisions. The Dog Law (3 P. S. §§ 459-10 et seq.) is the statutory basis for this regulation.	Mary Y. Bender (717) 787-4833
Lifetime Licensure of Dogs 7 Pa. Code Chapter 21	September, 2004, as final.	This revision is necessary to make 7 Pa. Code § 21.51, regarding the insertion of microchips, consistent with the Veterinary Medicine Practice Act (63 P. S. § 485.1 et seq).	Mary Y. Bender (717) 787-4833
Wine Marketing and Research Program; Sheep and Lamb Marketing Program 7 Pa. Code Chapter 104	August, 2004, as final.	This will establish regulations for the newly-formed Pennsylvania Wine Marketing and Research Program at 7 Pa. Code Chapter 104. It will also rescind the regulations for the Sheep and Lamb Marketing Program, which is no longer in existence.	Kyle Nagurny (717) 787-2376
<b>BANKING</b>			
Annual Assessment Regulation	Late 2004/Early 2005	Required pursuant to 17 Pa.C.S. § 503(a) and 71 P. S. § 733-204.A.	Carter D. Frantz (717) 787-1471
<b>BOARD OF PARDONS</b>			
No regulations being developed or considered at this date.			

<i>Regulation Being Considered</i>	<i>Proposed Date of Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
<b>COMMUNITY AND ECONOMIC DEVELOPMENT</b>			
Industrialized Housing and Components 12 Pa. Code Chapter 145 (final regulation)	Spring 2004	The regulation will further clarify and strengthen the Department's and third party's role in monitoring the installation of industrialized housing; adopt the ICC International Building Code; update definitions to bring them into conformance with current terminology and with proposed changes to the placement of insignia of certification; place the determination regarding the frequency of inspection reports on the inspection agency; require manufacturers to ensure that instructions for installation are given to those installing industrialized housing; and increase the fees charged by the Department to offset increases in the cost of administering and enforcing the industrialized housing program.	Jill B. Busch (717) 720-7314
Neighborhood Assistance Program 12 Pa. Code Chapter 135 (final regulation with rulemaking omitted)	Spring 2004	The regulation will repeal this chapter, as it no longer effectively fulfills the goals for which it was intended.	Jill B. Busch (717) 720-7314
Community Development Grant Program 12 Pa. Code Chapter 141 (final regulation with rulemaking omitted)	Fall 2004	The regulation will repeal Sections 141.301 through 141.309 relating to the Section 108 Loan Program, as these sections no longer effectively fulfill the goals for which they were intended.	Jill B. Busch (717) 720-7314
Building Energy Conservation Standards 12 Pa. Code Chapter 147 (final regulation with rulemaking omitted)	Fall 2004	The regulation will repeal this chapter, as the statute upon which this chapter is based will be repealed upon the effective date (expected to occur as early as April 15, 2004) of regulations required by the Pennsylvania Construction Code Act.	Jill B. Busch (717) 720-7314
Minority Business Development Authority 12 Pa. Code Chapter 81 (final regulation with rulemaking omitted)	Spring 2004	The regulation will repeal this chapter, as it no longer effectively fulfills the goals for which it was intended and impedes PMBDA's ability to be responsive and flexible to its target market.	Timothy M. Anstine (717)-720-7312
<b>COMMISSION ON CRIME AND DELINQUENCY</b>			
Office of Victims' Services, Victims Compensation Assistance Program—Deletion of 37 Pa. Code Chapter 191, replacement with new Chapter 411	June 2004, as proposed	To create a new chapter reflecting elimination of Crime Victim's Compensation Board and inclusion of its functions under PCCD pursuant to Act 1995-27 of the Special Session on Crime; changes in terminology and operations brought about by that act and by subsequent legislation, including Act 1998-111 and its relocation of the Crime Victims Act to Purdon's Statutes Title 18 P. S. §§ 11.101—11.5102, and Act 85 of 2002.	Lynn Shiner (717) 783-5153 ext. 3210

<i>Regulation Being Considered</i>	<i>Proposed Date of Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
<b>CONSERVATION AND NATURAL RESOURCES</b>			
Conservation of Native Wild Plants (Chapter 45)	Publish proposed rulemaking March 2005.	This proposal is being developed to update existing native wild plant regulations. The legal basis for these regulations is the Wild Resource Conservation Act of 1982. This update is necessary to change the status of various plants to reflect field work completed during the last three years. Recommendations of the Rare Plant Committee and the Vascular Plant Technical Committee will be considered during the development of this proposed rulemaking.	Chris Firestone, Mike Lester and Dan Devlin 717-783-3227
<b>CORRECTIONS</b>			
Revisions to regulations governing the Department, 37 Pa. Code Chapters 91, 93 and 94.	Summer, 2004 as proposed	The regulations will be revised to eliminate unnecessary regulations and to ensure that the Department's regulations are consistent with current legal standards concerning prison administration and operation. The legal basis for the action is found at Section 506 of the Administrative Code of 1929, 71 P. S. § 186, which grants the Secretary of Corrections the authority to prescribe regulations for the Department that are not inconsistent with law.	John S. Shaffer, Ph.D. (717) 975-4868
Revisions to regulations governing county correctional facilities, 37 Pa. Code Chapter 95.	Fall, 2004 as proposed	The regulations will be revised to eliminate unnecessary regulations and modernize necessary regulations. The legal basis for the action is found at Section 506 of the Administrative Code of 1929, 71 P. S. § 186, which grants the Secretary of Corrections the authority to prescribe regulations for county correctional institutions that are not inconsistent with law.	Catherine C. McVey (717) 975-4998
<b>EDUCATION</b>			
Higher Education General Provisions, Foreign Corporation Standards, Institutional Approval, Program Approval 22 Pa. Code, Chapters 31, 36 and 40	November 2004, as proposed.	These regulations are necessary to establish procedures for the approval and operation of institutions of higher education in the Commonwealth. Specific revisions are necessary to clarify the intent of the chapters, modify the time frame during which new institutions must achieve accreditation, update provisions for library and learning resources, and amend regulations to accommodate for-profit baccalaureate and higher education. These regulations are promulgated under authority of the Public School Code of 1949. 24 P. S. §§ 1-101—27-2702.	Jim Buckheit (717) 787-3787 or William Larkin (717) 787-5041
Certification of Professional Personnel 22 Pa. Code, Chapter 49	December 2004, as proposed.	Revisions to these regulations are necessary to incorporate provisions of Act 48 of 1999, which requires continuing professional development for all certificated educators.	Jim Buckheit (717) 787-3787 or William Larkin (717) 787-5041
General Vocational Education Standards 22 Pa. Code, Chapter 339	November 2004, as proposed.	A revision of Chapter 339 is necessary to assist schools in developing, funding and maintaining programs that will provide the Commonwealth with a competent workforce. Discussions with the State Board of Vocational Education, as well as practitioners in that field, will be initiated to revise these standards. These regulations are promulgated under the authority of the Pennsylvania School Code, Article 18, regarding Vocational Education, and section 2502.8, regarding Vocational Education Funding. These standards are also provided for under Chapter 4 of Title 22 of the <i>Pennsylvania Code</i> , section 4.32(a).	Jim Buckheit (717) 787-3787 or John C. Foster (717) 787-5530



<i>Regulation Being Considered</i>	<i>Proposed Date of Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
Standards for Approved Private Schools 22 Pa. Code, Chapter 171 Subchapters A and B	Fall 2004, as proposed.	These standards define the elements of Approved Private Schools and the Chartered Schools (schools for the deaf and blind). These standards contain general provisions and allowable expenses and costs. The standards are promulgated under the Authority of the Public School Code of 1949, as amended, PL 30, No. 14, March 16, 1949, P. S. Section 1-101, et. seq. The revised standards will reflect the changes in Chapter 14 and IDEA.	John Tommasini (717) 783-6134
Regulations of the State Board of Private Academic Schools 22 Pa. Code, Chapters 51, 53, 55, 57, 61 and 63	The Board has informally discussed revision of the regulations, received public input and is reviewing that input with the Department to determine appropriate next steps.	These regulations define the requirements for obtaining licensure as a Private Academic School. The Board plans to update the regulations, which were promulgated in 1988. The regulations are promulgated under the Authority of the Private Academic Schools Act (24 P. S. section 6701 et. seq.)	Eugene Heyman (717) 783-5146 or Mary Ramirez (717) 783-3755
Academic Standards and Assessment, 22 Pa. Code, Chapter 4	July 2004, as proposed	These regulations outline state academic standards that public schools must provide instruction to bring students up to proficiency and also provides for the Pennsylvania System of School Assessment, high school graduation requirements and requirements for credentials other than the high school diploma.	Jim Buckheit (717) 787-3787 or Ron Stainbrook (717) 787-4860
Regulations of the State Board of Private Licensed Schools 22 Pa. Code, Chapter 73	August 2004, as final.	These regulatory changes reduce the records requirements for schools, amend the definition of seminar to remove reference to entry level training, requires attendance at an orientation seminar prior to submission of an application for licensure, authorizes the Board to reject applications for licensure or program approval if the names of the school or the programs are misleading, mandates the maintenance of a surety bond throughout the period of licensure, requires payment of program application fees if more than one program is submitted with a new license application, and provides clarification of wording and policy.	Patricia Landis (717) 783-8228
<b><i>EMERGENCY MANAGEMENT AGENCY</i></b>			
No regulations being developed or considered at this time.			

<i>Regulation Being Considered</i>	<i>Proposed Date of Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
<b>ENVIRONMENTAL HEARING BOARD</b>			
Pa. Code Title 25 Chapter 1021 Practice and Procedure	The Environmental Hearing anticipates submitting proposed rulemaking in 2004	The Environmental Hearing Board Rules Committee has recommended the following revisions to the Board's rules of practice and procedure: 1) 1021.2 (Definitions)—Amend the definition of "Department" from "Department of Environmental Resources" to "Department of Environmental Protection" to reflect the agency's current title, and to add "and other agencies, boards and commissions" to reflect the fact that decisions of certain entities other than the Department of Environmental Protection are statutorily appealable to the Environmental Hearing Board. 2) 1021.31(a) (Filing)—Amend to allow parties to file documents in the Board's Pittsburgh office. 3) 1021.33(b) (Service by a party)—Amend to require service on other parties by overnight delivery where filing with the Board is by overnight mail or personal service. 4) 1021.82 (Prehearing memorandum)—Amend to require that copies of exhibits be attached to the prehearing memorandum as well as "such other information as may be required in the Board's orders." 5) 1021.53 (Amendments)—Allow for the amendment of complaints. 6) 1021.51(g)—(j) (Commencement, form and content)—Amend who receives notice of a notice of appeal and who is named as an automatic party.	Mary Anne Wesdock 412-565-5245
<b>ENVIRONMENTAL PROTECTION</b>			
Lake Redesignations Package Clean Streams Law 25 Pa. Code, Chapter 93	February 2004 as proposed.	This proposal identifies three lakes (Blue Marsh Reservoir, Berks County; Lake Luxembourg, Bucks County; Walker Lake, Snyder County) that should be redesignated to provide the correct aquatic life use designation in the water quality standards for these Commonwealth lakes.	Robert Frey 717-783-2952
Concentrated Animal Feeding Operations (CAFO) Program Amendments The Clean Streams Law 25 Pa. Code, Chapters. 92.5a, 91 and 92	April 2004 as proposed	The CAFO regulations are being revised in response to the recently enacted Federal CAFO Final Rule, which established mandatory requirements for all CAFOs to apply for an NPDES permit and to develop and implement a nutrient management plan. The new effluent guidelines establish performance expectations for existing and new sources to ensure appropriate storage of manure, as well as expectations for proper and effective manure and wastewater management, including compliance with the Effluent Limitation Guidelines.	Cedric Karper 717-783-7577
Chapter 86—Coal Mining Amendments Surface Mine Conservation and Reclamation Act 25 Pa. Code, § 86.6	June 2004 as final	This rulemaking adds new Section 86.6 to clarify existing statutory requirements and to ensure the regulations are no more stringent than federal requirements. This amendment provides an exemption to the regulatory requirements for coal extraction incidental to federal, state and local government-financed highway or other construction and reclamation projects. The exemption currently exists in Pennsylvania's Surface Mine Conservation and Reclamation Act.	Nevin Strock 717-787-6842
Small NO <sub>x</sub> Stationary Internal Combustion Engines and Cement Kilns Air Pollution Control Act 25 Pa. Code, Chapters 121, 129 and 145	August 2004 as final	This rulemaking establishes a program to limit NO <sub>x</sub> emissions from smaller boilers, turbines and stationary internal combustion engines in the southeast portion of Pennsylvania.	James Stoner 717-772-3921

<i>Regulation Being Considered</i>	<i>Proposed Date of Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
Triennial Review of Water Quality Standards Clean Streams Law 25 Pa. Code, Chapters 16 and 93	August 2004 as final	This rulemaking includes amendments to Chapter 93 to correct errors, update stream listings, and amend the dissolved oxygen (DO) criteria in some lakes. EPA regulations require the triennial review of states' water quality standards regulations.	Carol Young 717-783-2952
Laboratory Accreditation Regulations Environmental Laboratory Accreditation Act 25 Pa. Code, Chapter 252	August 2004 as proposed	Authorized by Act 90 of 2002 (The Environmental Laboratory Accreditation Act), this proposal will establish standards for laboratories and set forth requirements laboratories must meet to be accredited.	Richard Sheibley 717-705-2425
New Chapters 301—305—Operator Certification Regulations Water and Wastewater Systems Operators' Certification Act 25 Pa. Code	September 2004 as proposed	This proposal will implement the provisions of Act 11 of 2002, the Water and Wastewater Systems Operators' Certification Act which restructures the testing and training program for operators and enhances security provisions for all water and wastewater treatment systems in Pa.	Veronica Kasi 717-772-4053
Chapter 85—Bluff Recession and Setback Amendments Bluff Recession and Setback Act 25 Pa. Code, Chapter 85	October 2004 as proposed	A proposal is being developed to update Chapter 85 based on a recently completed bluff study that resulted from a petition submitted by the Millcreek Township Board of Supervisors, Erie County.	Andrew Zemba 717-772-5633
Chapter 109—Safe Drinking Water Act 25 Pa. Code, Chapter 109	October 2004 as proposed	This general update will revise several sections in Chapter 109 to retain or obtain primacy, including monitoring/reporting requirements for lead, copper, inorganic chemicals, volatile synthetic organic chemicals, and synthetic organic chemicals. Other sections will be clarified, such as QA/QC requirements for on-line instrumentation; monitoring/reporting requirements for disinfectants and disinfection byproducts; requirements regarding the practice of engineering, land surveying and geology; reporting requirements for failure to monitor; and comprehensive monitoring plan requirements.	Lisa Daniels 717-772-2189
Water Rights Replacements and Bonding Incentives Surface Mine Conservation and Reclamation Act 25 Pa. Code, Chapters 87 and 88	December 2004 as proposed	The rulemaking will amend Chapters 87 and 88 relating to water rights and replacement to clarify regulatory language consistent with federal regulations. It will also delete the requirement that additional funds from the Remining Financial Assurance Fund be used to complete reclamation of forfeited mine sites if the actual cost of reclamation exceeds the amount reserved in the fund.	Mick McCommons 717-783-9888
Chapters 86 and 89—Bond Adjustment and Bituminous Mine Subsidence Control and Standards 25 Pa. Code, Chapters 86 and 89	December 2004 as final	This rulemaking amends Section 86.152(a) to require DEP to request additional bonds if changes to mining or reclamation activities cause the cost of reclamation to increase. It also amends Chapter 89 provisions dealing with subsidence control plans, subsidence control performance standards, relief from responsibility for subsidence damage, water supply replacement performance standards, and procedures for resolving both subsidence claims and water supply damage claims.	Harold Miller 717-787-3174

<i>Regulation Being Considered</i>	<i>Proposed Date of Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
Chapter 245—Storage Tank Amendments Storage Tank and Spill Prevention Act 25 Pa. Code, Chapter 245	March 2005 as proposed	With the exception of Subchapter D (Corrective Action Process), this proposal represents comprehensive amendments to all other aspects of the Storage Tank and Spill Prevention Program provisions of Chapter 245, which was last updated in 1997.	Ray Powers 717-772-5809
New Source Review Air Pollution Control Act 25 Pa. Code	Contingent on outcome of pending litigation and EPA action	The Department's existing new source review (NSR) regulations will be amended to clarify existing requirements and to develop an approvable "equivalency" demonstration as a revision to the State Implementation Plan.	Terry Black 717-787-2030
Chapter 401—Mine Subsidence Fund Amendments Coal and Clay Mine Subsidence Insurance Act 25 Pa. Code, Chapter 401	November as final	This proposal is under the purview of the Coal and Clay Mine Subsidence Insurance (MSI) Board and will amend 25 Pa. Code Chapter 401 (Mine Subsidence Fund) to clarify terms and provisions and to remove dynamic provisions of the insurance policy, such as coverage limits, premium surcharges and policy durations, that are also contained in the Insuring Agreement of the insurance policy.	Larry Ruane 717-783-9590
Nutrient Management 25 Pa. Code, Chapter 83	September as proposed	The State Conservation Commission proposes to revise the current nutrient management regulations.	Doug Goodlander 717-787-8821
<b>GENERAL SERVICES</b>			
Responsibility 4 Pa. Code, Chapter 60	Fall, 2004, as proposed	This chapter must be amended to conform with the legislative changes required by Act 57 and to provide for uniform Commonwealth agency debarment and suspension procedures.	Mary B. Seiverling (717) 772-2749
Instructions to Bidders 4 Pa. Code, Chapter 61	Summer, 2004, as final	This chapter has been superseded and should be repealed because such instructions should not be set out in regulatory form. There is a need for flexibility which can be of benefit to the Department as well as bidders.	Mary B. Seiverling (717) 772-2749
General Conditions of the Construction Contract 4 Pa. Code, Chapter 63	Summer, 2004, as final	This chapter has been superseded and should be repealed because contract conditions should not be set out in regulatory form. There is a need for flexibility that can be of benefit to the Department as well as bidders.	Mary B. Seiverling (717) 772-2749
State Art Commission 4 Pa. Code, Chapter 65	Summer, 2004, as final	The legislation creating the State Art Commission was sunsetted.	Mary B. Seiverling (717) 772-2749
Emergency Construction Repairs 4 Pa. Code, Chapter 67	Winter, 2004, as proposed	The regulation should be amended to more accurately reflect present practice and to delete contract provisions. Such provisions should not be in regulatory form and their deletion will serve the same purpose as noted for Chapter 61.	Mary B. Seiverling (717) 772-2749
Contract Compliance 4 Pa. Code, Chapter 68	Winter, 2004, as proposed	Executive Order 1996-8 transferred the contract compliance responsibilities to the Department of General Services.	Mary B. Seiverling (717) 772-2749
Commonwealth Parking Facilities 4 Pa. Code, Chapter 71	Fall, 2004, as proposed	Amendments are required because parking locations have been changed.	Mary B. Seiverling (717) 772-2749
Commonwealth Automotive Fleet 4 Pa. Code, Chapter 73	Fall, 2004, as proposed	The regulation will be amended to eliminate the requirement for a Pennsylvania license to drive a state vehicle and will permit out-of-state licenses.	Mary B. Seiverling (717) 772-2749

<i>Regulation Being Considered</i>	<i>Proposed Date of Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
Processing Subscriptions and Sales of <i>Pennsylvania Code</i> and Related Publications 4 Pa. Code, Chapter 81	Fall, 2004, as final omitted	These regulations should be repealed since the Department of General Services' Bureau of Management Services no longer has responsibility for the processing of subscriptions and orders for the <i>Pennsylvania Code</i> .	Mary B. Seiverling (717) 772-2749
Metrology Calibration Fees 4 Pa. Code, Chapter 90	Summer, 2004, as proposed	New regulations required to allow Department of General Services to charge fees as authorized by Act No. 1996-155 § 4123 for metrology laboratory calibration, type evaluation and other testing services performed by the Pennsylvania Standards Laboratory.	Mary B. Seiverling (717) 772-2749
Service of Process on General Services	Summer, 2004, as proposed	New regulation to require that legal process for suits against DGS be served on Chief Counsel's office.	Mary B. Seiverling (717) 772-2749
<b>HEALTH</b>			
Health Facility Licensure—General & Special Hospitals & Health Planning 28 Pa. Code § 301.1 et seq. 28 Pa. Code § 401.1 et seq.	December 2004, as final-omitted.	Existing regulations in chapters on health planning (federal program and certificate of need) will be repealed as statutory authority for both chapters has terminated. Pursuant to the Health Care Facilities Act, 35 P. S. §§ 448.101—448.904b.	James T. Steele, Jr. 717-783-2500
Health Facility Licensure—General Administrative Chapter & General and Special Hospitals 28 Pa. Code § 101.1 et seq.	April 2004, as proposed.	The amendments to existing regulations will update the licensure requirements for hospitals. Pursuant to the Health Care Facilities Act, 35 P. S. §§ 448.101—448.904b.	James T. Steele, Jr. 717-783-2500
Communicable Diseases 28 Pa. Code § 27.1 et seq.	September 2004, as proposed.	The amendments to existing regulations will clarify the Department's authority to perform disease surveillance and investigation. Pursuant to the Disease Prevention and Control Law of 1955, 35 P. S. §§ 521.1—521.21.	Yvette M. Kostelac 717-783-2500
Public Bathing Place Lifeguard Requirements 28 Pa. Code §§ 18.1 and 18.42	September 2004, as final.	The amendments to existing regulations will provide lifeguard requirements for recreational swimming establishments, and add requirements for lifeguard certification and factors to be considered in determining adequate lifeguard coverage. Pursuant to Act 75 of 1998, amending 35 P. S. §§ 672—680 (the Public Bathing Law).	Stephanie Michel-Segnor 717-783-2500
Bacterial Monitoring of Public Bathing Beaches 28 Code §§ 18.1, 18.28, 18.30 and 18.31	June 2004, as final.	The amendments to existing regulations will extend the level of testing required for coastal beaches on the Great Lakes, pursuant to federal legislation, to all public bathing beaches in Pa. The amendments also add a requirement of public notice of beach closures pursuant to the Public Bathing Law, 35 P. S. §§ 672—680(d).	Stephanie Michel-Segnor 717-783-2500
Head Injury Program	December 2004, as proposed.	The amendments to existing regulations will address client enrollment and provider issues.	Crystal Fox 717-783-2500
Controlled Substances, Drugs, Devices and Cosmetics 28 Pa. Code § 25.72	July 2004, as proposed.	The amendments to existing regulations will add five substances to the list of Schedule I Controlled Substances to allow for enforcement and prosecution under the Controlled Substances, Drugs, Devices and Cosmetics Act of the illegal manufacturer, distribution, sale and use of these substances.	Keith B. Fickel 717-783-2500
<b>HOUSING FINANCE AGENCY</b>			
No regulations being developed or considered at this date.			

Regulation Being Considered	Proposed Date of Promulgation	Need and Legal Basis for Action	Agency Contact
<b>INFRASTRUCTURE INVESTMENT AUTHORITY</b>			
<p>25 Pa. Code §§ 963.12(a)(6) and (7) 963.13(b) 2, 963.15(a), and 25 Pa. Code § 965.4((9).</p>	<p>Fall 2005</p>	<p>PENNVEST recommends the following revisions:</p> <p>(1). Delete Sections 963.12(a) (6) and the second sentence of Section 963.13(b)(2) thereby allowing PENNVEST to provide financial assistance (loan or grant) for costs associated with the development of an approvable official sewage plan under the Sewage Facilities Act, 35 P. S. § 750.1 et seq. While PENNVEST has always construed these costs to be encompassed with in the statutory definition of “eligible cost” (35 P. S. § 751.3), the agency chose as a matter of policy not to fund this planning process because the Pennsylvania Department of Environmental Protection already provided grant funds for 50% of these costs. PENNVEST is revising its policy because the agency is concerned that, in some instances, needed projects are unable to move forward in a timely manner due to a lack of funds to conduct this necessary planning. PENNVEST, therefore, is removing the impediment to funding imposed by the above regulatory provisions.</p> <p>(2). Delete 25 PA Code § 963.12(a)(7) thereby allowing PENNVEST to provide financial assistance (loan and grant) for costs associated with the extraction for profit of minerals or other resources from wastewater or sludge’s whether the project is sponsored by a public or private actor. While PENNVEST has historically allowed these costs for public facilities provided the profits were used to reduce system user costs it has not allowed financial assistance for such processes for private facilities. PENNVEST is revising its policy because it wants to support innovative solutions and aid economic development rather than stifle them. In order to further these objectives, PENNVEST is removing the impediment to funding imposed by the above regulatory provision.</p> <p>(3). Amend 25 Pa. Code § 963.15(a) by revising the first sentence to read in its entirety: “The term of the loans shall normally be twenty years beginning on the date construction is completed or three years from of the date of loan closing, whichever occurs first.” This amendment provides a level loan repayment and a defined term at loan closing (normally twenty years). Under the old policy the loan term was determined sometime in the future after construction closed out. Consequently, under the old policy a Borrower with a project that took two years to construct would have had only eighteen years to repay the loan. Under the new policy the repayment term would be twenty years plus two years of interest only payments to provide for construction.</p> <p>(4). Amend 25 Pa. Code § 965.4 (9) to place a period after the word “Board” and delete the remainder of the sentence. This amendment allows those costs associated with the acquisition of land under the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 to be financed by PENNVEST. This change is necessary to reflect a shift in policy by the Environmental Protection Agency and the desire of PENNVEST to take advantage of the policy shift to finance such costs.</p>	<p>Jayne B. Blake (717)-783-6776</p>

<i>Regulation Being Considered</i>	<i>Proposed Date of Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
<b>INSURANCE</b>			
Advertising of Insurance, 31 Pa. Code, Chapter 51, §§ 51.1—51.61	Fall 2004, as proposed.	Amend pursuant to Executive Order 1996-1.	Peter J. Salvatore, Regulatory Coordinator 717-787-4429
Private Passenger Automobile Policy Forms, 31 Pa. Code, Chapter 64, §§ 64.1—64.14	Fall 2004, as proposed.	Repeal pursuant to Executive order 1996-1.	Peter J. Salvatore, Regulatory Coordinator 717-787-4429
Replace Life Insurance Annuities, 31 Pa. Code, Chapter 81, §§ 81.1—9	Winter 2004, as proposed.	Amend pursuant to Executive Order 1996-1.	Peter J. Salvatore, Regulatory Coordinator 717-787-4429
Disclosure in Solicitation of Life Insurance, 31 Pa. Code, Chapter 83, §§ 83.1—57	Winter 2004, as proposed.	Amend pursuant to Executive Order 1996-1.	Peter J. Salvatore, Regulatory Coordinator 717-787-4429
Senior Protection in Annuity Transactions (NEW Chapter 83a)	Fall 2004, as proposed.	New regulation setting forth standards and procedures for recommendation to senior consumers involving annuity transactions.	Peter J. Salvatore, Regulatory Coordinator 717-787-4429
Annuity Disclosure, (NEW Chapter 83b)	Winter 2004, as proposed.	A new regulation to eliminate misleading illustrations, make illustrations more understandable and to standardize the disclosure statement language to be use with the selling of annuities.	Peter J. Salvatore, Regulatory Coordinator 717-787-4429
Requirements for Life Policies and Sales Practices, 31 Pa. Code, Chapter 87, §§ 87.1—87.42	Winter 2004, as proposed.	Amend pursuant to Executive Order 1996-1.	Peter J. Salvatore, Regulatory Coordinator 717-787-4429
Life Insurance Illustrations (New Chapter 87a)	Winter 2004, as proposed.	Act 154 of 1996 provides for life insurance illustration requirements for life insurance policies. The statute sunsets when a life insurance illustration regulation becomes effective. A life insurance illustration regulation will eliminate misleading illustrations, make illustrations more understandable, and standardize terms and illustration formats for the entire life insurance industry. Further, it is more appropriate that technical requirements, such as these, appear in a regulation rather than in statutory form.	Peter J. Salvatore, Regulatory Coordinator 717-787-4429
Individual Accident & Sickness Minimum Standards, 31 Pa. Code, Chapter 88, §§ 88.1—88.195	Winter 2004, as proposed.	Amend pursuant to Executive Order 1996-1.	Peter J. Salvatore, Regulatory Coordinator 717-787-4429
Preparation of Forms, 31 Pa. Code, Chapter 89, §§ 89.12—16, 89.18—89.62	Winter 2004, as proposed.	Amend pursuant to Executive Order 1996-1.	Peter J. Salvatore, Regulatory Coordinator 717-787-4429
Prior Approval of Forms Required, 31 Pa. Code, Chapter 89, § 89.101	Winter 2004, as proposed.	Amend pursuant to Executive Order 1996-1.	Peter J. Salvatore, Regulatory Coordinator 717-787-4429
Preparation of Filing of Property and Casualty Forms for Approval, 31 Pa. Code, Chapter 133, §§ 133.1—133.12	Fall 2004, as proposed.	Repeal pursuant to Executive Order 1996-1.	Peter J. Salvatore, Regulatory Coordinator 717-787-4429

<i>Regulation Being Considered</i>	<i>Proposed Date of Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
Description of Reserves—Prohibited Phrases, 31 Pa. Code, Chapter 139, §§ 139.1—139.3	Winter 2004, as proposed	Amend pursuant to Executive Order 1996-1.	Peter J. Salvatore, Regulatory Coordinator 717-787-4429
Unfair Insurance Practices; Unfair Claims Settlement Practices, 31 Pa. Code, Chapter 146, §§ 146.1—146.10	Fall 2004, as proposed.	Amend pursuant to Executive Order 1996-1.	Peter J. Salvatore, Regulatory Coordinator 717-787-4429
Standards for Safeguarding Customer Information, NEW 31 Pa. Code, Chapter 146c, 146c.1—146c.11	Summer 2004, as final.	NEW. This implements the third part of the NAIC model privacy regulation with respect to safeguarding customer information.	Peter J. Salvatore, Regulatory Coordinator 717-787-4429
Annual Audited Insurers' Financial Report Required, 31 Pa. Code, Chapter 147	Summer 2004, as final.	Amend to prohibit a person or firm from being recognized as a qualified independent certified public accountant if the person or firm has entered into an agreement of indemnity or release from liability with respect to an audit of an insurer.	Peter J. Salvatore, Regulatory Coordinator 717-787-4429
Continuing Care Providers, 31 Pa. Code, Chapter 151, § 151.7	Summer 2004, as final.	Amend one section in conjunction with Chapter 147 in order for the regulations to be consistent.	Peter J. Salvatore, Regulatory Coordinator 717-787-4429
Property and Casualty Actuarial Opinion (NEW)	Winter 2004, as proposed.	New regulation to require property and casualty insurers to annually submit an Actuarial Opinion Summary of the Actuarial Report on loss and loss adjustment expense reserves, including information on the opining actuary's best estimate and/or range of reasonable estimates.	Peter J. Salvatore, Regulatory Coordinator 717-787-4429
Medical Catastrophe Loss Fund, 31 Pa. Code, Chapter 242 §§ 242.1—242.18	Summer/Fall 2004, as proposed.	Amend the regulation to be consistent with the statute.	Peter J. Salvatore, Regulatory Coordinator 717-787-4429
Health Maintenance Organizations, 31 Pa. Code, Chapters 301, §§ 301.1—301.126	Winter 2004, as proposed.	Amend pursuant to Executive order 1996-1.	Peter J. Salvatore, Regulatory Coordinator 717-787-4429
Premium Finance Companies (NEW chapter)	Winter 2004, as proposed.	New regulation addressing issues pertaining to Premium Finance Companies.	Peter J. Salvatore, Regulatory Coordinator 717-787-4429
Viatical Regulations (NEW chapter)	Fall 2004, as proposed.	New regulation addressing issues pertaining to the Licensing of Viatical Brokers.	Peter J. Salvatore, Regulatory Coordinator 717-787-4429
<b>LABOR AND INDUSTRY</b>			
Uniform Construction Code (UCC) regulations. Title 34, Chaps. 401—405. Bureau of Occupational and Industrial Safety	Submission of amendments in Spring 2004	Act 45 of 1999, providing for a uniform statewide building code, requires department to promulgate regulations. Proposed rulemaking will make amendments reflecting legislative amendments since UCC enactment in April 2004 and to clarify utility coverage.	Jon Balson 717-787-3323
Repeal of mine and excavation regulations, Title 34, Chap. 33, Bureau of Occupational and Industrial Safety.	Submit final-omitted regulation in Summer 2004.	Will revoke Labor and Industry's authority to regulate mines and excavations. The Department of Environmental Protection now has this authority.	Edward Leister 717-787-3323



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Boiler requirements, Title 34. Bureau of Occupational and Industrial Safety.	Submit proposed rulemaking in Summer 2004.	The regulations will update requirements for boilers and unfired pressure vessels in accordance with the Boiler and Unfired Pressure Vessel Law.	Edward Leister 717-787-3323
Liquefied Petroleum Gas, Title 34. Bureau of Occupational and Industrial Safety.	Submit proposed rulemaking in Fall 2004.	Will enact the Propane and Liquefied Petroleum Gas Act passed in June 2002. Will govern the design, installation and construction of containers and equipment for storage and handling of liquefied petroleum gas, specify the odorization of the gases and establish guidelines for the processing and technologies that are not covered by industry standards.	Edward Leister 717-787-3323
Business Enterprise Program, Title 34. Bureau of Blindness and Visual Services	Submit proposed rulemaking in Fall 2004.	Concerns operation of snack bars and similar operations in Commonwealth facilities under the Federal Randolph-Sheppard Act and related Pennsylvania laws.	Mark Frankel 717-787-3667
Prevailing Wage Appeals Board (PWAB), Title 34, Chap 213.	Submit proposed rulemaking in Fall 2004.	PWAB will amend its regulations to reduce paperwork requirements and improve/streamline procedures.	Richard C. Lengler 717-783-9288
Flammable and Combustible Liquids, Title 37, Chap. 13. Bureau of Occupational and Industrial Safety.	Submit proposed rulemaking in Fall 2004.	Amendment to Flammable and Combustible Liquids regulation setting standards for unattended self-service gasoline dispensing. National Fire Protection Association standards will be incorporated.	Doug McAdam 717-787-4713
Unemployment Compensation, Title 34, Bureau of Unemployment Compensation Benefits	Submit proposed rulemaking in Summer 2004.	Update requirements and procedures for filing benefit and claim applications.	Jeri Morris 717-787-6337
Office of Unemployment Compensation Tax Services, Title 34, Chapters 61 and 63	Submit proposed rulemaking in Fall 2004	Update regulations on administration and employer responsibilities to reflect changes in law and procedures.	Sue Babski 717-772-0634
Bureau of Workers' Compensation Title 34, Chapter 121	Submit proposed rulemaking in Fall 2004.	Updating regulations concerning processing of claims forms/petitions to reflect changes in law and technology.	Jack Kupchinsky 717-783-5241
Bureau of Workers' Compensation, Title 34, Chapter 127, Medical Cost Containment	Submit proposed rulemaking in Fall 2004.	Update processes governing medical care and costs under the Workers' Compensation Act.	Eileen Wunsch 717-772-1912
Bureau of Workers' Compensation, Title 34, Chapter 123	Submit proposed rulemaking Summer 2004.	Update procedures for qualifications of vocational experts to reflect passage of Act 53.	Jack Kupchinsky 717-783-5241
<b>MILITARY AND VETERANS AFFAIRS</b>			
State Veterans Home 43 Pa. Code Section 7.1 et seq	October 2004, as proposed.	This regulation is necessary to update current regulations, make them more user-friendly. This regulation is a long-term project and would amend 43 Pa. Code Chapter 7.	Dennis T. Guise 717-861-8503
<b>PENNSYLVANIA MUNICIPAL RETIREMENT SYSTEM</b>			
See Public School Employees' Retirement System.			

<i>Regulation Being Considered</i>	<i>Proposed Date of Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
<b>PROBATION AND PAROLE</b>			
The County Probation and Parole Officers Firearms Education and Training Law 61 P. S. § 332.5(13) requires the Commission to "make rules and regulations and to perform other duties as may be reasonably necessary or appropriate to implement the training program for county probation and parole officers."	The proposed regulation will be published in the <i>Pennsylvania Bulletin</i> in the fall of 2004.	The County Probation and Parole Officers' Education and Training Commission is in the process of promulgating these regulations and anticipates the completion of proposed regulations by Fall 2004 for publication in the <i>Pennsylvania Bulletin</i> .	Chester Cope 717-772-4185
<b>PUBLIC SCHOOL EMPLOYEES' RETIREMENT SYSTEM</b>			
22 Pa. Code Chapter 215	Publication anticipated within 2—3 months	This proposal is being made to amend 22 Pa. Code, Chapter 215 and would delete the transitional provisions for electing to participate in an optional alternate retirement plan contained in § 215.36. The provision is no longer needed, and may conflict with current Retirement Code provisions.	Frank Ryder (717) 720-4733
<b>PUBLIC WELFARE</b>			
Personal Care Homes 55 Pa. Code Chapters 2600, 2620	December 2004, as final	This regulation strengthens health and safety requirements for personal care homes.	Ruth O'Brien (717) 783-2800
Administration of County Children and Youth Programs 55 Pa. Code Chapter 3130	February 2005, as proposed	This regulation incorporates the amendments to the Juvenile Act as a result of Act 126 of 1998 and the federal regulations (effective March 27, 2000) for Title IV-B and Title IV-E funding for child welfare services for children in their own homes and for children receiving placement services. Major changes include permanency hearings and the matters to be determined, requirements related to reasonable efforts including aggravated circumstances contrary to the welfare and best interests and redefining permanency goals for children.	Ruth O'Brien (717) 783-2800
Subsidized Child Day Care Eligibility 55 Pa. Code Chapter 3040	July 2004, as proposed	This regulation clarifies and revises the eligibility requirements for child day care subsidy.	Ruth O'Brien (717) 783-2800
Administration and Operation of a Children and Youth Social Services Agency 55 Pa. Code Chapter 3680	July 2005, as proposed	This regulation incorporates the changes identified in the Child and Family Services Review, including requirements for visitation with fathers and non-custodial parents and between siblings; concurrent planning; improving permanency outcomes for children; and preserving connections with family and community for children placed out of the home.	Ruth O'Brien (717) 783-2800

<i>Regulation Being Considered</i>	<i>Proposed Date of Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
Workfare/Community Service 55 Pa. Code Chapters 166, 275	March 2005, as proposed	This regulation clarifies who may be assigned and the priority and factors to be considered in making Workfare program assignments. The regulation also defines responsibilities of county assistance offices and project operators regarding participation expenses and program requirements and provides for grievance rights for Workfare recipients and regular employees. Provisions of Act 1995-20 will also be incorporated into this regulation. This regulation will be reviewed by representatives of community legal services agencies, the welfare rights organization and other client advocacy groups.	Ruth O'Brien (717) 783-2800
Real Property Liens 55 Pa. Code Chapters 101, 121, 177, 183, 257, 297	July 2005, as proposed	This regulation codifies the elimination of the requirement that applicants who own real property, including mobile homes, which are used as their primary residence, will no longer be required to sign a lien encumbering their residence as a condition of eligibility for cash assistance. The Department intends to rescind 55 Pa. Code Chapter 257 (relating to Reimbursement). Instead, the Department will propose a new chapter governing reimbursement policy for cash assistance recipients and applicants who own personal property. This regulation will be reviewed by representatives of community legal service agencies, the welfare rights organization and other client advocacy groups.	Ruth O'Brien (717) 783-2800
Criminal History 55 Pa. Code Chapters 125, 133, 141	March 2005, as proposed	This regulation incorporates the Act 1995-20 provision that prohibits the granting of assistance to any person sentenced for a felony or misdemeanor who has not satisfied the penalty imposed by law by having completed the period of incarceration and by paying all fines, costs and restitution. Act 1996-35 expands the satisfied penalty requirement to include compliance with an approved payment plan. This regulation will be reviewed by representatives of community legal service agencies, the welfare rights organization and other client advocacy groups.	Ruth O'Brien (717) 783-2800
Medical Support Rights 55 Pa. Code Chapter 187	March 2005, as proposed	This regulation will require Medical Assistance applicants recipients to assign their medical support rights to the Commonwealth and apply for Title IV-D support services as conditions of eligibility. This regulation will be reviewed by representatives of community legal service agencies, the welfare rights organization and other client advocacy groups.	Ruth O'Brien (717) 783-2800
Food Stamp Disqualification Penalties 55 Pa. Code Chapter 501	February 2005, as proposed	This regulation incorporates a revision to the Food Stamp disqualification penalties as required under the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (PRWORA). The revision increases the Food Stamp intentional program violation disqualification penalties from six months to one year for the first violation and from one year to two years for the second violation. This regulation will be reviewed by representatives of community legal service agencies, the welfare rights organization and other client advocacy groups.	Ruth O'Brien (717) 783-2800

<i>Regulation Being Considered</i>	<i>Proposed Date of Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
Family Violence Option 55 Pa. Code Chapter 187	March 2005, as proposed	This regulation codifies the provision in the TANF State Plan to screen and identify victims of domestic violence, refer those individuals to counseling and supportive services, establish service plans, provide universal notification and make appropriate referrals to social service agencies. This regulation will be reviewed by representatives of community legal service agencies, the welfare rights organization and other client advocacy groups.	Ruth O'Brien (717) 783-2800
Increases in Payment for Burial and/or Cremation 55 Pa. Code Chapter 285	March 2005, as final-form	This regulation codifies an increase to the maximum payment for burial and/or cremation for eligible persons. A deceased person of any age who received or was eligible to receive a money payment—TANF, General Assistance, State Blind Pension, or Supplemental Security Income—may be eligible for a maximum burial and/or cremation payment of \$750, if there are no resources that reduce the payment. This regulation will be reviewed by representatives of community legal service agencies, the welfare rights organization and other client advocacy groups.	Ruth O'Brien (717) 783-2800
Medical Assistance for Workers with Disabilities 55 Pa. Code Chapter 140	October 2004, as proposed	This regulation provides Medicaid benefits to Workers with Disabilities (MAWD) who would otherwise not be eligible, effective January 1, 2002. The Ticket to Work and Work Incentives Improvement Act of 1999 (P. L. 106-170) gave states the option of providing categorically needy Non-Money Payment Medicaid benefits to workers with disabilities who have higher incomes and resources than the current Medicaid standards. Pennsylvania exercised this option by passing Act 2001-77 of June 26, 2001 (P. L. 755), also known as the Tobacco Settlement Act, which establishes MAWD. MAWD is intended to provide individuals with disabilities the opportunity to enter and remain in the workforce while receiving Medicaid coverage. This regulation will be reviewed by representatives of community legal service agencies, the welfare rights organization, disability advocacy organizations and other client advocacy groups.	Ruth O'Brien (717) 783-2800
Breast and Cervical Cancer Prevention and Treatment Program 55 Pa. Code Chapter 140	October 2004, as proposed	This regulation provides Medicaid benefits to individuals diagnosed with Breast and Cervical Cancer, effective January 1, 2002. The BCCPT Act of 2000 amended Title XIX of the Social Security Act by giving states the option of providing full Medicaid benefits to a new group of individuals. This regulation provides Medical Assistance for women who have breast and cervical cancer, including pre-cancerous conditions of the breast and cervix, in addition to full Medicaid benefits. Specifically, uninsured and underinsured women under the age of 65, screened and diagnosed with either breast or cervical cancer, including pre-cancerous conditions of the breast or cervix, by a provider or facility funded in full or part by the Centers for Disease Control and Prevention under its National Breast and Cervical Cancer Early Detection Program, will be eligible for Medicaid benefits. Pennsylvania has chosen the Department of Health Healthy Woman Project as the screening entity for this program. This regulation will be reviewed by representatives of community legal service agencies, the welfare rights organization, professional medical organizations and other client advocacy groups.	Ruth O'Brien (717) 783-2800

<i>Regulation Being Considered</i>	<i>Proposed Date of Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
Semi-annual Budgeting 55 Pa. Code Chapters 142, 168, 175, and 183	March 2005, as proposed	This regulation will change the manner of reporting and adjusting earned income for employed clients. Reporting of earned income will be required for specific periods within six-month intervals. Benefits will be adjusted on a post-adjustment basis so that income reported for period A will affect benefits received in period B, etc. This regulation will be reviewed by representatives of community legal service agencies, the welfare rights organization and other client advocacy groups.	Ruth O'Brien (717) 783-2800
Medical Assistance Changes (MAC) 55 Pa. Code Chapters 133, 140, 141, 178 and 181	February 2005, as proposed	This regulation incorporates eligibility requirements for Temporary Assistance for Needy Families (TANF)-related, Supplemental Security Income (SSI)-related and General Assistance (GA)-related Medicaid. Some of the major changes include revisions to: 1) the application and redetermination process; 2) the qualification requirements and eligibility rules for Healthy Beginnings; 3) the income eligibility methodologies for TANF-related categories of Medicaid; 4) the income and resource requirements for the Medicaid Program; 5) Extended Medical Coverage to include provisions as set forth in the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (PRWORA); 6) the GA-related Nonmoney Payment (NMP) and Medically Needy Only (MNO) eligibility criteria as set forth in Act 35; 7) the qualifying criteria for TANF-related categories to include a new eligibility group as set forth in § 1931 of the Social Security Act.	Ruth O'Brien (717) 783-2800
Time Out Benefits 55 Pa. Code Chapter 281	July 2004, as final	The current regulation sunsets July 1, 2004. The Department plans to readopt the existing regulation to allow continuation of the Time Out program which benefits cash assistance recipients by allowing them to "stop the clock" for purposes of applying the 60-month limitation for the receipt of benefits under the Temporary Assistance to Needy Families (TANF) program.	Ruth O'Brien (717) 783-2800
Early and Periodic Screening Diagnosis Treatment (EPSDT) 55 Pa. Code Chapters 1101, 1121, 1123, 1147, 1241	December 2005, as final omitted	This regulation relating to services provided as a follow-up to an EPSDT visit or encounter that are not currently recognized under the approved Medical Assistance State Plan. This regulation will be reviewed by the Medical Assistance Advisory Committee.	Ruth O'Brien (717) 783-2800
Medical Assistance Case Management Services 55 Pa. Code Chapter 1239	March 2005, as proposed	This regulation codifies payment for medically necessary case management services as mandated by Omnibus Budget Reconciliation Act '89 to Medical Assistance recipients under the age of 21. This regulation will be reviewed by the Medical Assistance Advisory Committee.	Ruth O'Brien (717) 783-2800

<i>Regulation Being Considered</i>	<i>Proposed Date of Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
OMNIBUS MA 55 Pa. Code Chapters 1101, 1121, 1149	December 2005, as final omitted	This final regulation codifies Act 1994-49 provisions that affect the medical benefits of General Assistance recipients over the age of 21 when these services are solely state funded. These recipients are no longer eligible for (1) dental services unless their medical condition or handicap requires services to be provided in an ambulatory surgical center, short procedures unit or inpatient hospital; (2) medical supplies and equipment except as prescribed for family planning or with home health agency service and (3) prescription drugs except legend birth control drugs. This regulation also implements Act 1996-35 provisions imposing a \$150 deductible on inpatient and outpatient hospital services and ambulatory surgical center services, except laboratory and x-ray services for General Assistance and General Assistance-related Medical Assistance recipients. In addition, this regulation removes family planning clinics from the list of providers limited under the General Assistance Basic Health Care Package to 18 practitioner's office and clinic visits per year. This regulation will be reviewed by the Medical Assistance Advisory Committee.	Ruth O'Brien (717) 783-2800
OMNIBUS Pharmacy 55 Pa. Code Chapters 1121, 1126, 1129, 1141, 1163, 1221, 1225, 1243	October 2004, as final omitted	This final regulation codifies Act 1994-49 provisions that discontinue payment for all drugs, devices, products, services and procedures that are used or related to treating infertility, including surrogacy services, effective September 1, 1994. This regulation also provides that the medical assistance program provides drug coverage to medically needy only recipients receiving nursing facility services. This includes medically needy only recipients who reside in nursing facilities and intermediate care facilities/mental retardation (ICF/MR). This regulation was reviewed by the Medical Assistance Advisory Committee in 2001.	Ruth O'Brien (717) 783-2800
Residential Treatment Facilities (RTF) for Mental Health Services 55 Pa. Code Chapters 1157, 1165	July 2005, as proposed	This regulation codifies coverage for mental health services to children under 21 years of age that are provided in a residential treatment facility. This regulation was reviewed by the Medical Assistance Advisory Committee on 3/28/02. The Department received comments from 6 agencies. Revised regulations are under review by the Department.	Ruth O'Brien (717) 783-2800
Physician Assistant/Midwife 55 Pa. Code Chapter 1141	December 2004, as final omitted	This final regulation codifies revised supervision requirements for physician assistants and midwives. This regulation will be reviewed by the Medical Assistance Advisory Committee.	Ruth O'Brien (717) 783-2800
Discontinuance of the Mandatory Second Opinion Program 55 Pa. Code Chapter 1150	September 2004, as final omitted	This final regulation removes the mandatory second opinion program requirement for certain surgical procedures. This regulation will be reviewed by the Medical Assistance Advisory Committee.	Ruth O'Brien (717) 783-2800
Capital Component Payment for Replacement Beds 55 Pa. Code Chapter 1187	July 2005, as proposed	This regulation takes the policy as set forth in the Statement of Policy published at 27 Pa.B. 6238 (November 29, 1997) and promulgates it into the regulations. This regulation will specify the conditions under which the Department will recognize nursing facility beds as replacement beds for purposes of making capital component payments for those beds. This regulation will be reviewed by the Medical Assistance Advisory Committee.	Ruth O'Brien (717) 783-2800

<i>Regulation Being Considered</i>	<i>Proposed Date of Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
New Definition of "Emergency Medical Condition" 55 Pa. Code Chapters 1101, 1141, 1150, 1221	March 2005, as proposed	This regulation codifies the revised definition of "emergency medical condition" contained in the Balanced Budget Act of 1997, effective July 1, 1998. This regulation will be reviewed by the Medical Assistance Advisory Committee.	Ruth O'Brien (717) 783-2800
Definition of Medically Necessary 55 Pa. Code Chapter 1101	March 2005, as proposed	This proposed regulation replaces the current definition of "medically necessary" with the definition found in the HealthChoices Request for Proposal. This regulation was reviewed on 9/21/01 by the Medical Assistance Advisory Committee.	Ruth O'Brien (717) 783-2800
Tobacco Cessation and Nutritional Supplements 55 Pa. Code Chapter 1121	October 2004, as final omitted	This final regulation will provide coverage under the Medical Assistance Program for tobacco cessation products and counseling services and will extend coverage for nutritional supplements to eligible Medical Assistance recipients 21 years of age and older. This regulation will be reviewed by the Medical Assistance Advisory Committee.	Ruth O'Brien (717) 783-2800
Dental Services 55 Pa. Code Chapter 1149	March 2005, as final omitted	This final regulation will provide coverage for crown core build-up and will revise the Medical Assistance Orthodontia Program. This regulation will be reviewed by the Medical Assistance Advisory Committee.	Ruth O'Brien (717) 783-2800
Preadmission Requirements for Nursing Facility Services (Mandatory 12 month spend-down) 55 Pa. Code Chapter 1187	February 2005, as proposed	This regulation will require nursing facilities to have all individuals applying for nursing facility services, evaluated by the Department or an independent assessor if it is likely that the applicant will use Medical Assistance as a payer source within 12 months of admission. The purpose of this regulation is to allow an individual to remain in the community by delaying or eliminating the need for admission to a nursing facility. This regulation will be reviewed by the Medical Assistance Advisory Committee.	Ruth O'Brien (717) 783-2800
Penile Prosthesis 55 Pa. Code Chapters 1141, 1163,	September 2004, as proposed	This regulation revises the current § 1141.59(8) non-compensable services and § 1163.59(a)(4) noncompensable services, items and outliers days.	Ruth O'Brien (717) 783-2800
Extension of County Transition Payments and Double Disproportionate Share 55 Pa. Code Chapter 1187	December 2004, as final omitted	This regulation will extend the county nursing facility transition rates for the period July 1, 2003, through June 30, 2008, and will increase the disproportionate share incentive payments to qualified nursing facilities for the period July 1, 2003 through June 30, 2007. The disproportionate share incentive payment shall be increased to equal two times the disproportionate share per diem incentive calculated in accordance with 55 Pa. Code Chapter 1187 § 1187.111(c). This regulation will be reviewed by the Medical Assistance Advisory Committee. These changes are made in accordance with the Intergovernmental Transfer Agreements.	Ruth O'Brien (717) 783-2800
MA Day of Care 55 Pa. Code Chapter 1187	July 2004, as proposed	The regulation will revise the definition of an MA day of care to include days of care for which an MCO under contract with the Department or LTCCAP provider pays 100 percent of the negotiated rate or fee for the MA resident's care in a nursing facility and days of care for which the resident and an MCO under contract with the Department or LTCCAP provider pays 100 percent of the negotiated rate or fee for the MA resident's care in the nursing facility. In addition, the regulation will further expand the definition of an MA day of care to include days of care for which the Department makes payment for MA residents receiving hospice services in a nursing facility.	Ruth O'Brien (717) 783-2800

<i>Regulation Being Considered</i>	<i>Proposed Date of Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
Metropolitan Statistical Area (MSA) 55 Pa. Code Chapter 1187	July 2004, as proposed	The proposed regulation changes the manner in which the Department establishes the peer groups used to set net operating prices under the case-mix payment system. The Department is proposing to change the payment system to specify that it will use the historical MSA group classification issued by the Federal Office of Management and Budget (OMB) in OMB Bulletin No. 99-04 to classify nursing facilities into peer groups. The Federal OMB revised its definitions of MSA and recommended that the definitions not be used for the development or implementation of any Federal, state or local nonstatistical policies without full consideration of the effects that the changes will have on the programs. If the Department adopts the MSA changes, it has been determined that nursing facilities (except hospital-based and special rehabilitation nursing facilities) participating in the MA Program would experience, in the aggregate, a negative impact in their reimbursement rate under the case-mix payment system.	Ruth O'Brien (717) 783-2800
Home Health Regulation 55 Pa. Code Chapter 1249	February 2005, as proposed	The proposed regulation: 1. removes the State requirement that clients be homebound to receive home health agency services. Requiring a client to be homebound is in violation of "Olmstead Update No. 3" codified at 42 CFR 440.230(c) and 440.240(b); 2. moves service limitations from the regulations to the fee schedule which will permit program exceptions to the limitations when appropriate.	Ruth O'Brien (717) 783-2800
Medical Assistance Provider Appeal Procedures 55 Pa. Code Chapter 31	July 2004, as proposed	This regulation implements 67 Pa.C.S. § 1106 which provides that the Department's Bureau of Hearings and Appeals, in consultation with an advisory committee, will promulgate regulations establishing rules of procedure governing Medical Assistance Provider appeals.	Ruth O'Brien (717) 783-2800
Third Party Liability Programs 55 Pa. Code Chapter 259	December 2005, as proposed	Section 1902(a)(25) of the Social Security Act (42 U.S.C. § 1396a(a)(25)) requires the Department to develop and implement a TPL program to insure that Medicaid is the payor of last resort. Section 1906 of the Social Security Act (42 U.S.C. § 1396(e)) authorizes the Department to have a special program to enroll certain MA recipients into group health insurance. Both the general TPL program and the special group health insurance program have been in operation in Pennsylvania for a number of years. During this period of operation, questions have arisen as to interpretation and procedures under the Federal and state's statutes. This proposed regulation is needed to supply guidance with respect to issues not directly addressed by the Federal and state statutes, to resolve ambiguities and to fill gaps in the state statutory language.	Ruth O'Brien (717) 783-2800
<b>REVENUE</b>			
Construction Contractors 61 Pa. Code, Article II	September 2004, as proposed.	The regulation will provide an update to the rules regarding contracts with exempt and nonexempt entities.	Douglas Berguson 717-346-4633
File-by-phone (TeleFile) System and Federal and State Electronic Tax Filing Program 61 Pa. Code §§ 117.19—117.21	September 2004, as proposed.	The file-by-phone (TeleFile) program involves the filing of a Pennsylvania personal income tax return by phone. The Federal and State electronic tax filing program involves the filing of a Pennsylvania personal income tax return as part of the Federal and State Electronic Filing Program.	Douglas Berguson 717-346-4633



<i>Regulation Being Considered</i>	<i>Proposed Date of Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
Lucky For Life Lotto 61 Pa. Code §§ 873.1—873.19	September 2004, as final.	The regulation establishes and details the procedures that will be followed in operating and administering the Lucky for Life Lotto.	Douglas Berguson 717-346-4633
Prebuilt Housing	July 2004, as proposed.	The regulation codifies legislative changes relating to prebuilt housing that were set forth in Act 23-2000 (72 P. S. §§ 7201(g)(8), (vv)—(zz), 7202(f) and 7204(60)).	Douglas Berguson 717-346-4633
Realty Transfer Tax Amendments 61 Pa. Code, Chapter 91	September 2004, as proposed.	The amendments to Chapter 91. Realty Transfer Tax, are made to address numerous legislative changes and to bring the regulatory provisions into conformity with Departmental policy.	Douglas Berguson 717-346-4633
Small Games of Chance Amendments 61 Pa. Code, Part VII	July 2004, as proposed.	The regulation contains comprehensive amendments to Part VII to incorporate legislative changes made to the Local Option Small Games of Chance Act (10 P. S. §§ 311—328) in 1990 and 2000 and to codify policy and administrative changes regarding games of chance.	Douglas Berguson 717-346-4633
Support Offset and Other Personal Income Tax Provisions	September 2004, as proposed	This regulatory change will amend certain regulatory provisions to provide for the intercept of income tax refunds from individuals who are delinquent in support payments and redirect the funds accordingly. Other amendments are proposed to update and/or clarify personal income tax provisions.	Douglas Berguson 717-346-4633
<b>SECURITIES COMMISSION</b>			
Rule 144A exchange transactions 64 Pa. Code § 203.203	Proposed Rulemaking July 2004	The Commission plans to propose a regulation to exempt from registration certain transactions in Rule 144A securities with certain accredited investors.	G. Philip Rutledge (717) 783-5130
Investment adviser registration procedures 64 Pa. Code § 303.012	Proposed Rulemaking July 2004	The Commission plans to amend this regulation to update its provisions and make it consistent with SEC rules.	G. Philip Rutledge (717) 783-5130
Investment adviser capital requirements 64 Pa. Code § 303.042	Proposed Rulemaking July 2004	The Commission plans to amend this regulation to update its provisions and make it consistent with SEC rules.	G. Philip Rutledge (717) 783-5130
Investment adviser required records 64 Pa. Code § 304.012	Proposed Rulemaking July 2004	The Commission plans to amend this regulation to update its provisions and make it consistent with SEC rules.	G. Philip Rutledge (717) 783-5130
Investment adviser required financial reports 64 Pa. Code § 304.022	Proposed Rulemaking July 2004	The Commission plans to amend this regulation to update its provisions and make it consistent with SEC rules.	G. Philip Rutledge (717) 783-5130
Investment adviser custody or possession of funds or securities of clients 64 Pa. Code § 404.013	Proposed Rulemaking July 2004	The Commission plans to amend this regulation to update its provisions and make it consistent with SEC rules	G. Philip Rutledge (717) 783-5130
<b>STATE</b>			
State Board of Accountancy —General Revisions— 49 Pa. Code, Chapter 11. (16A-559)	Fall 2004, as Proposed.	The regulation would clarify certain issues related to the enforcement of the C.P.A. Law; make requirements consistent with the language of the C.P.A. Law; repeal outdated and unnecessary requirements; and make editorial changes. Statutory Authority: Section 3 of the C.P.A. Law, 63 P. S. § 9.3.	Dorna Thorpe (717) 783-1404

<i>Regulation Being Considered</i>	<i>Proposed Date of Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
State Architects Licensure Board —Definition of Sole Proprietorship and Clarification of Renewal Fee for Firms— 49 Pa. Code §§ 9.2 and 9.3 (16A-418) —Schedule of Civil Penalties— 49 Pa. Code § 43b.21. (16-32)	Fall 2004, as Final.  Fall 2004, as Proposed	This regulation is needed to clarify which types of firm practice are subject to the annual fee for registered architecture firms. Statutory Authority: Section 6(a) of the Architects Licensure Law, 63 P. S. § 34.6(a).  This regulation would amend the schedule of Act 48 civil penalties for violations of the Architects Licensure Law and the Board's regulations. Statutory Authority: Section 5(a) of Act 48 of 1993, 63 P. S. § 2205(a).	Dorna Thorpe (717) 783-3397
State Athletic Commission —Communicable Disease Testing— 58 Pa. Code §§ 1.1 and 28.1 (16-34)	Summer 2004, as Proposed	This regulation would expand the Commission's current regulations that authorize the testing of boxers for HIV to permit testing for other communicable diseases, including Hepatitis C. Statutory Authority: Sections 103(b) and 501 of the State Athletic Code, 5 Pa.C.S. §§ 103(b) and 501.	Greg Sirb (717) 787-5720
State Board of Auctioneer Examiners —Deletion of Reference to Examination Fees— 49 Pa. Code § 1.41. (16A-647)	Fall 2004, as Final.	The regulation would delete references to examination fees. Statutory Authority: Section 6(a) of the Auctioneer and Auction Licensing Act, 63 P. S. § 734.6(a).	Tammy Radel (717) 783-3397
State Board of Barber Examiners —Schedule of Civil Penalties— 49 Pa. Code § 43b.4 (16-32)	Fall 2004, as Proposed	This regulation would amend the schedule of Act 48 civil penalties for violations of the Barbers' Licensing Law and the Board's regulations. Statutory Authority: Section 5(a) of Act 48 of 1993, 63 P. S. § 2205(a).	Sara Sulpizio (717) 783-3402
State Board of Certified Real Estate Appraisers —General Revisions— 49 Pa. Code, Chapter 36. (16A-7014)  —Act 48 of 1993 Civil Penalties— 49 Pa. Code, Chapter 43b. (16-29)	Fall 2004, as Proposed.  Summer 2004, as Statement of Policy.	The regulation represents a comprehensive revision of requirements relating to education and experience for initial certification; continuing education for renewal of certification; standards of practice; and supervision of appraisal assistants. Statutory Authority: Section 5(2) of the Real Estate Appraisers Certification Act, 63 P. S. § 457.5(2); and Section 3 of the Assessors Certification Act, 63 P. S. § 458.3.  The policy statement would establish a schedule of Act 48 of 1993 civil penalties for violations of the Real Estate Appraisers Certification Act and the Board's regulations. Statutory Authority: Section 5(a) of Act 48 of 1993, 63 P. S. § 2205(a).	Michelle Smey (717) 783-4866
State Board of Chiropractic —Chiropractic specialties— 49 Pa. Code Chapter 5 (16A-4312)	Fall 2004, as Proposed.	The Chiropractic Practice Act prohibits licensees from holding themselves out as specialists unless they possess a post-graduate certification in that specialty. The regulation would identify the certifications acceptable to the Board. Statutory Authority: Section 302(3) of the Chiropractic Practice Act, 63 P. S. § 625.302(3).	Deborah Smith (717) 783-7155

<i>Regulation Being Considered</i>	<i>Proposed Date of Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
—Patient records— 49 Pa. Code § 5.51 (16A-4313)	Fall 2004, as Proposed.	The regulation would clarify the requirements for patient records. Statutory Authority: Section 302(3) of the Chiropractic Practice Act, 63 P. S. § 625.302(3).	
—Volunteer license— 49 Pa. Code § 5.20 (number not yet assigned)	Fall 2004, as Proposed.	This regulation is required by the amendments to the Volunteer Health Services Act under Act 58 of 2002. Statutory Authority: Section 302 of the Chiropractic Practice Act, 63 P. S. § 625.302.	
Commissioner, BPOA			Cynthia K. Montgomery (717) 783-7200
—Schedule of Civil Penalties— 49 Pa. Code §§ 43b.4; 43b.8; 43b.9; 43b.10a and 43b.11a (16-32)	Fall 2004, as Proposed.	The regulation would amend the schedules of civil penalties for the State Board of Barber Examiners; State Real Estate Commission; State Board of Vehicle Manufacturers, Dealers and Salespersons; State Board of Accountancy; and State Architects Licensure Board that were previously codified as regulations under Act 48 of 1993. Statutory Authority: Section 5(a) of Act 48 of 1993, 63 P. S. § 2205(a).	
—Schedule of Civil Penalties— 49 Pa. Code §§ 43b.15; 43b.16; 43b.17; 43b.18; 43b.19 and 43b.20 (16-29)	Summer 2004, as Statement of Policy	This Statement of Policy would establish Act 48 Civil Penalty Schedules for six additional boards (State Board of Certified Real Estate Appraisers; State Board of Examiners in Speech-Language and Hearing; State Board of Examiners of Nursing Home Administrators; State Board of Nursing; State Board of Occupational Therapy Education and Licensure; and State Board of Medicine). Statutory Authority: Section 5(a) of Act 48 of 1993, 63 P. S. § 2205(a).	
Bureau of Commissions, Elections & Legislation —Fees for Notary Services— (16-33)	Summer 2004, as Proposed.	This regulation would increase the fees that notaries are permitted to charge for their services. An increase has not occurred since February 1984. Statutory Authority: Sections 21 and 22.3 of the Notary Public Law, 57 P. S. §§ 167 and 168.3.	Nancy Chavez (717) 787-5280
Corporations Bureau —UCC Revised Article 9— (16-35)	Fall 2004, as Proposed.	This regulation would adopt (with some revisions) the Model rules promulgated by the International Association of Corporate Administrators, which call for the delivery of filings by electronic means and acceptance of credit card payments. Statutory Authority: Section 9526 of the Uniform Commercial Code Modernization Act of 2001, 13 Pa.C.S. § 9526.	Christal Pike-Nase (717) 787-6802
State Board of Cosmetology —Sanitation/ Disinfection— 49 Pa. Code §§ 7.90—7.101 (16A-454)	Fall 2004, as Final.	The proposed regulation would update the Board's sanitation and disinfection requirements for manicuring, cosmetician and cosmetology shops and schools. Statutory Authority: Sections 11 and 14 of the Beauty Culture Law, 63 P. S. §§ 517 and 520.	Sara Sulpizio (717) 783-7130
State Board of Dentistry —Administration of General Anesthesia, Conscious Sedation and Nitrous Oxide/Oxygen Analgesia— 49 Pa. Code §§ 33.331—33.344. (16A-4614)	Fall 2004, as Final.	This regulation would amend requirements for administration of anesthesia/analgesic in response to a Commonwealth Court case and the enactment of Act 135 of 2002. Statutory Authority: Section 3(o) of the Dental Law, 63 P. S. § 122(o) and Section 2 of Act 135 of 2002.	Lisa Burns (717) 783-7162

<i>Regulation Being Considered</i>	<i>Proposed Date of Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
<p>—Sexual Misconduct— 49 Pa. Code, Chapter 33. (16A-4613)</p> <p>—Expanded Function Dental Assistants— 49 Pa. Code § 33.103. (16A-4612)</p> <p>—Volunteer license— 49 Pa. Code § 33.110 (number not yet assigned)</p>	<p>Fall 2004, as Final.</p> <p>Fall 2004, as Final.</p> <p>Fall 2004, as Proposed</p>	<p>Through the monitoring of its disciplinary process, including consumer complaints and disciplinary actions, the Board believes that enforcement standards are needed to notify licensees of acts of a sexual nature which the Board deems unprofessional when occurring or resulting from a professional relationship. Statutory Authority: Section 3(o) of the Dental Law, 63 P. S. § 122(o).</p> <p>This regulation would eliminate the clinical examination component with respect to expanded function dental assistants. Statutory Authority: Section 3(o) of the Dental Law, 63 P. S. § 122(o).</p> <p>This regulation is required to amend the current regulations to conform to amendments to the Volunteer Health Services Act made by Act 58 of 2002. Statutory Authority: Section 3(o) of the Dental Law, 63 P. S. § 122(o).</p>	
<p>State Registration Board for Engineers, Land Surveyors and Geologists —Fees— 49 Pa. Code § 37.17 (number not yet assigned)</p>	Fall 2004, as Proposed.	The regulation would increase biennial renewal fees for all license classes, delete examination fees as unnecessary, and make editorial and organizational changes to the other fees. Statutory Authority: Section 4 of the Engineer, Land Surveyor and Geologist Registration Law, 63 P. S. § 151(d) and (e).	Shirley Klinger (717) 772-8528
<p>State Board of Funeral Directors —Unprofessional Conduct— 49 Pa. Code § 13.201, 202. (16A-4814)</p> <p>—General Revisions— 49 Pa. Code, Chap. 13 (16A-4815)</p> <p>—Continuing Education— 49 Pa. Code, Chapter 13 (16A-489)</p> <p>—Limited License— 49 Pa. Code §§ 13.1, 13.12, and 13.77 (16A-4810)</p> <p>—Forms Review— 49 Pa. Code §§ 13.204 and 13.244 (16A-4813)</p>	<p>Fall 2004, as Proposed.</p> <p>Fall 2004, as Proposed.</p> <p>Fall 2004, as Final.</p> <p>Fall 2004, as Final.</p> <p>Fall 2004, as Proposed</p>	<p>The amendment would add to the Board's standards of practice and conduct. Statutory Authority: Section 16(a) of the Funeral Director Law, 63 P. S. § 479.16(a).</p> <p>These amendments would update the Board's regulations related to advertising, application procedures, facility requirements, qualifications for licensure and responsibilities of supervisors. Statutory authority: Section 16(a) of the Funeral Director Law, 63 P. S. § 479.16(a).</p> <p>This regulation is being promulgated to comply with the requirement of Act 48 of 2000 that the Board adopt regulations to implement continuing education, as now required by Section 10(b) of the Funeral Director Law. Statutory Authority: 63 P. S. § 479.10(b).</p> <p>This regulation is being promulgated to implement the provisions of Act 48 of 2000 that authorized the Board to enter into agreements with other states to issue limited licenses to funeral directors from other states. Statutory Authority: Section 9(c) of the Funeral Director Law, 63 P. S. § 479.9(c).</p> <p>This proposed regulation would clarify the criteria by which the Board will review form statements of funeral goods and services and preneed contracts and add grounds for the Board to disapprove forms. Statutory Authority: Section 16(a) of the Funeral Director Law, 63 P. S. § 479.16(a).</p>	Michelle Smey (717) 783-3397
<p>State Board of Landscape Architects —Deletion of Reference to Examination Fees— 49 Pa. Code § 15.12. (16A-617)</p>	Summer 2004, as Final.	The regulation would delete references to examination fees. Statutory Authority: Section 4(2) of the Landscape Architects' Registration Law, 63 P. S. § 904(2).	Shirley Klinger (717) 772-8528

<i>Regulation Being Considered</i>	<i>Proposed Date of Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
—General Revisions— 49 Pa. Code, Chapter 15. (16A-618)	Fall 2004, as Proposed.	The regulation would entail general revisions of the Board's current regulations. Statutory Authority: Section 4(9) of the Landscape Architects' Registration Law, 63 P. S. § 904(9).	
State Board of Medicine —Continuing Medical Education— 49 Pa. Code, Chap. 16 (16A-4914)	Fall 2004, as Final.	This regulation would implement the act of March 20, 2002 (P. L. _____, No. 13) (Act 13). Act 13 requires the Board to promulgate regulations establishing CME requirements for physicians, including training in patient safety and risk management. Statutory Authority: Section 910 of Act 13.	Joanne Troutman (717) 783-1400
—Athletic Trainers— 49 Pa. Code, Chap. 16 (16A-4915)	Fall 2004, as Proposed	This regulation would implement Act 92 of 2001, which gave the Medical and Osteopathic Boards jurisdiction over athletic trainers (athletic trainers had formerly been overseen by the State Board of Physical Therapy). Statutory Authority: Section 3 of Act 92 of 2001.	
—Licensure of Medical Doctors— 49 Pa. Code §§ 17.1(b), 17.2(c) and 17.5(c)(2) (16A-4917)	Fall 2004, as Proposed.	This regulation would delete the requirements that graduates of foreign medical schools demonstrate 32 months and 4000 hours of instruction and 72 weeks of clinical instruction. It would also amend the regulation pertaining to licensure by endorsement to prove the Board greater discretion in assessing the qualifications of physicians who have extensive practice experience. Statutory Authority: Section 8 of the Medical Practice Act of 1985, 63 P. S. § 422.8.	
—Disciplinary Procedures— 49 Pa. Code, Chapter 16, Subchapter E. (16A-4918)	Fall 2004, as Final.	This regulation would amend the Board's disciplinary procedures regulations to codify existing practices and to assure that in light of the passage of the MCARE Act, the procedures suggested by the Health Care Services Malpractice Act survive. Statutory Authority: Sections 8 and 9 of the Medical Practice Act of 1985, 63 P. S. §§ 422.8 and 422.9.	
—Acupuncture Registration— 49 Pa. Code, Chapter 18, §§ 18.11—18.19 (16A-4919)	Fall 2004, as Proposed.	This proposed regulation will amend the Board's existing regulations so that they comport with the Act 49 amendments to the Acupuncture Registration Act. Statutory Authority: Section 3 of the Acupuncture Registration Act, 63 P. S. § 1803.	
—Physician's Assistants— 49 Pa. Code, Chapter 18, Subchapter D (number not yet assigned)	Fall 2004, as Proposed.	This regulation amends the Board's regulations pertaining to physician assistants. Statutory Authority: Section 13 of the Medical Practice Act of 1985, 63 P. S. § 422.1.	
—Act 48 of 1993 Civil Penalties— 49 Pa. Code, Chapter 43b. (16-29)	Summer 2004, as Statement of Policy.	This statement of policy would establish a schedule of Act 48 civil penalties for failure to report under the MCARE Act. Statutory Authority: Section 5(a) of Act 48 of 1993, 63 P. S. § 2205(a); Section 8 of the Medical Practice Act of 1985, 63 P. S. § 422.8; and Section 903(1) of the MCARE Act, 40 P. S. § 1303.903(1).	
—Volunteer License— 49 Pa. Code § 16.18 (number not yet assigned)	Fall 2004, as Proposed.	This regulation is required to amend the current regulations regarding volunteer licenses to conform to recent amendments to the Volunteer Health Services Act made by Act 58 of 2002. Statutory Authority: Section 8 of the Medical Practice Act of 1985, 63 P. S. § 422.8.	
State Board of Nursing			

<i>Regulation Being Considered</i>	<i>Proposed Date of Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
—CRNP Program Approval— 49 Pa. Code §§ 21.260—278, 286—289. (16A-5119)	Fall 2004, as Proposed.	This regulation would establish requirements for CRNP education programs approved by the Board. Statutory Authority: Section 2.1(k) of the Professional Nursing Law, 63 P. S. § 212.1(k).	
—Update of CRNP Prescriptive Authority Fees— 49 Pa. Code § 21.253. (16A-5116)	Fall 2004, as Final.	This regulation would revise the Board's schedule of fees to reflect the actual cost of the services provided. Statutory Authority: Section 11.2 of the Professional Nursing Law, 63 P. S. § 221.2.	
—CRNP Continuing Education— 49 Pa. Code § 21.253. (16A-5117)	Fall 2004, as Final	This regulation pertains to continuing education requirements associated with Certified Registered Nurse Practitioners. Statutory Authority: Sections 2.1(k) and 8.1 of the Professional Nursing Law, 63 P. S. §§ 212.1(k) and 218.1.	
—Programs in Transition— 49 Pa. Code § 21.51 (16A-5118)	Fall 2004, as Final.	This regulation sets requirements for hospital-based registered nurse diploma education programs to transition to degree-granting status under the authority of a college or university which is pursuing, but has not yet attained, regional accreditation. Statutory Authority: Section 2.1(k) and Section 6 of the Professional Nursing Law, 63 P. S. §§ 212.1(k) and 216.	
—Licensed Dietitian-Nutritionist Regulations— 49 Pa. Code §§ 21.701—21.717 (16A-5120)	Fall 2004, as Proposed.	Act 99 of 2002 amended the Professional Nursing Law to include the licensure of dietitian-nutritionists. These regulations implement those amendments. Statutory Authority: Section 2.1(k) of the Professional Nursing Law, 63 P. S. § 212.1(k).	
—Temporary Practice Permits— 49 Pa. Code §§ 21.7 and 21.149 (16A-5121)	Fall 2004, as Proposed	The regulation provides for temporary practice permits for graduate professional nurses and graduate practical nurses and for currently-licensed professional nurses and practical nurses practicing in other jurisdictions who apply for licensure in this Commonwealth. Statutory Authority: Sections 2.1(k) and 4.1 of the Professional Nursing Law, 63 P. S. §§ 212.1(k) and 214.1; and sections 3.1 and 17.6 of the Practical Nurse Law, 63 P. S. §§ 653.1 and 667.6.	
—LPN / IV Therapy— 49 Pa. Code § 21.145 (16A-5122)	Fall 2004, as Proposed	This regulation addresses the LPN's role in working with peripherally inserted catheters (PIC lines). Statutory Authority: Section 17.6 of the Practical Nurse Law, 63 P. S. § 667.6.	
—RN and LPN Program Examination Pass Rates— 49 Pa. Code, Chapter 21 (number not yet assigned)	Fall 2004, as Proposed	This regulation will clarify the procedure for removing a nursing education program from the approved list and further establish standards for placing a nursing education program on provisional approval or removing the program from the approved list based on the failure rate for first-time examinees on the licensure examination. Statutory Authority: Section 2.1(k) of the Professional Nursing Law, 63 P. S. § 212.1(k), and section 17.6 of the Practical Nurse Law, 63 P. S. § 667.6.	
—Volunteer License— 49 Pa. Code, Chapter 21, Subchapter F, §§ 21.601—21.607. (number not yet assigned)	Fall 2004, as Proposed.	This regulation is required to amend the Board's regulations to conform to amendments to the Volunteer Health Services Act made by Act 58 of 2002. Statutory Authority: Section 2.1(k) of the Professional Nursing Law, 63 P. S. § 212.1(k).	

<i>Regulation Being Considered</i>	<i>Proposed Date of Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
—Act 48 of 1993 Civil Penalties— 49 Pa. Code, Chapter 43b. (16-29)	Summer 2004, as Statement of Policy	The policy statement would establish a schedule of Act 48 civil penalties for violations of the Professional Nursing Law and the Practical Nurse Law. Statutory Authority: Section 5(a) of Act 48 of 1993 (63 P. S. § 2205(a)).	
State Board of Examiners of Nursing Home Administrators— Deletion and Correction of Fees— 49 Pa. Code § 39.72. (16A-628) —Requirements for Admission to Examination— 49 Pa. Code § 39.5. (16A-627) —Act 48 of 1993 Civil Penalties— 49 Pa. Code, Chapter 43b. (16-29)	Summer 2004, as Final.  Fall 2004, as Proposed.  Summer 2004, as Statement of Policy.	This regulation would delete licensing examination fees. Statutory Authority: Section 4(c) of the Nursing Home Administrators Licensing Act, 63 P. S. § 1104(c).  This regulation would update and revise the requirements for admission to the licensing examination. Statutory Authority: Section 4(c) of the Nursing Home Administrators Licensing Act, 63 P. S. § 1104(c).  This Statement of Policy would establish a schedule of Act 48 civil penalties for violations of the Nursing Home Administrators Licensing Act. Statutory Authority: Section 5(a) of Act 48 of 1993, 63 P. S. § 2205(a).	Christina Stuckey (717) 783-7155
State Board of Occupational Therapy Education and Licensure —Act 48 of 1993 Civil Penalties— 49 Pa. Code, Chapter 43b. (16-29)	Summer 2004, as Statement of Policy.	The Statement of Policy would establish a schedule of Act 48 of 1993 civil penalties for violations of the Occupational Therapy Practice Act and Board's regulations. Statutory Authority: Section 5(a) of Act 48 of 1993, 63 P. S. § 2205(a).	Lisa Burns (717) 783-1389
State Board of Optometry —General Revisions— 49 Pa. Code §§ 23.1, 23.33, 23.34, 23.42, 23.64, 23.71. (16A-528) —Continuing Education, Certification to Treat Glaucoma— 49 Pa. Code §§ 23.82, 23.86, 23.91, and 23.205 (16A-5211) —Volunteer License— 49 Pa. Code § 23.26 (number not yet assigned)	Fall 2004, as Final.  Summer 2004, as Final.  Spring 2004, as Proposed.	The Board is making general revisions to its current regulations, including requirements that must be met for contact lens prescriptions provided at the discretion of the licensee. Statutory Authority: Sections 3(a)(2.1) and (b)(14) of the Optometric Practice and Licensure Act, 63 P. S. §§ 244.3(a)(2.1), (b)(14).  This regulation implements amendments to the Act made by Act 225 of 2002, adds the American Academy of Ophthalmology and its affiliates to the list of pre-approved continuing education providers, and establishes an application procedure and related fee for certification to treat glaucoma. Statutory Authority: 63 P. S. §§ 244.2b and 244.3(b)(12) and (14).  This regulation is required to amend the Board's regulations to conform to amendments to the Volunteer Health Services Act made by Act 58 of 2002. Statutory Authority: Section 3(b)(14) of the Optometric Practice and Licensure Act, 63 P. S. § 244.3(b)(14).	Deborah Smith (717) 783-7155
State Board of Osteopathic Medicine —Continuing Medical Education— 49 Pa. Code, Chap. 16 (16A-5313)	Fall 2004, as Final.	This regulation would implement the act of March 20, 2002 (Act 13). Act 13 requires the Board to promulgate regulations requiring osteopathic physicians to complete CME in patient safety and risk management. Statutory Authority: Section 910 of Act 13.	Gina Bittner (717) 783-4858

<i>Regulation Being Considered</i>	<i>Proposed Date of Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
—Athletic Trainers— 49 Pa. Code, Chap. 16 (16A-5314)	Fall 2004, as Proposed	This regulation would implement Act 92 of 2001, which gave the Medical and Osteopathic Boards jurisdiction over athletic trainers (athletic trainers had formerly been overseen by the State Board of Physical Therapy). Statutory Authority: Section 3 of Act 92 of 2001.	
—Delegation— 49 Pa. Code, Chap. 16 (16A-5312)	Fall 2004, as Final.	This regulation would establish standards for the delegation of osteopathic medical services to qualified personnel. Statutory Authority: Section 16 of the Osteopathic Medical Practice Act, 63 P. S. § 271.16.	
—Volunteer License— 49 Pa. Code, Chapter 25, Subchapter L, §§ 25.601—25.607. (number not yet assigned)	Fall 2004, as Proposed.	This regulation is required to amend the Board's regulations to conform to amendments to the Volunteer Health Services Act made by Act 58 of 2002. Statutory Authority: Section 16 of the Osteopathic Medicine Act, 63 P. S. § 271.16.	
State Board of Pharmacy —Technology and Automation— 49 Pa. Code, Chapter 27. (16A-5410)	Fall 2004, as Proposed.	The proposal would address issues raised by new technology now available in the field of pharmacy to allow the use of such technology while ensuring consumer safety. Statutory Authority: Sections 4(j) and 6(k)(1) and (9) of the Pharmacy Act, 63 P. S. §§ 390-4(j), 390-6(k)(1), (9).	Melanie Zimmerman (717) 783-7156
—Drug Therapy and Administration of Injectable Medications, Biologicals and Immunizations— 49 Pa. Code, Chapter 27 (16A-5412)	Fall 2004, as Proposed.	Section 2 of Act 102 of 2002 requires the Board to adopt regulations establishing the parameters of written agreements or protocols for drug therapy management in institutional settings and to establish education and training standards and practice guidelines under which pharmacists may be authorized to administer injectable medications, biologicals, and immunizations to persons who are more than eighteen years of age. Statutory Authority: Sections 9.1 and 9.2 of the Pharmacy Act, 63 P. S. §§ 390-9.1 and 390-9.2.	
—Deletion of Examination Fees— 49 Pa. Code § 27.91 (16A-5413)	Fall 2004, as Proposed.	This proposed amendment deletes references to the examination fees from the board's schedule of fees to avoid the necessity of amending the regulations whenever the test administrator changes the fees. Statutory Authority: Sections 4(j) and 6(k)(1) of the Pharmacy Act, 63 P. S. §§ 390-4(j), and 390-6(k)(1).	
State Board of Physical Therapy —General Revisions— 49 Pa. Code §§ 40.11, 40.13, 40.15, 40.17, 40.18 and 40.21—40.24. (16A-659)	Fall 2004, as Final.	The regulation would correct and revise existing regulations regarding physical therapists. Statutory Authority: Section 3(a) of the Physical Therapy Practice Act, 63 P. S. § 1303(a).	J. Robert Kline (717) 783-7134
—Certificate of Authorization to Practice Physical Therapy Without a Referral— 49 Pa. Code Chap. 40 (16A-651)	Summer 2004, as Final.	This regulation would implement the act of Feb. 21, 2002 (Act 6), which enables licensees to seek a certificate of authorization to practice physical therapy without a referral from a physician. Statutory Authority: Section 2 of Act 6 of 2002; Section 3 of the Physical Therapy Practice Act, 63 P. S. § 1303.	
State Board of Podiatry			Gina Bittner (717) 783-4858



<i>Regulation Being Considered</i>	<i>Proposed Date of Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
<p>—Professional Liability Insurance— 49 Pa. Code, Chapter 29, §§ 29.52—29.54 (16A-447)</p> <p>—Sexual Misconduct— 49 Pa. Code, Chapter 29 (16A-448)</p> <p>—Registration and Practice of Acupuncture— 49 Pa. Code, Chapter 29 (16A-449)</p> <p>—Volunteer License— 49 Pa. Code § 29.55 (number not yet assigned)</p>	<p>Fall 2004, as Proposed</p> <p>Fall 2004, as Final.</p> <p>Fall 2004, as Proposed.</p> <p>Fall 2004, as Proposed.</p>	<p>This regulation would amend the current regulations to eliminate references to the Health Care Services Act and replaces them with references to the Medical Care Availability and Reduction of Error (MCARE) Act. Statutory Authority: Section 15 of the Podiatry Practice Act, 63 P. S. § 42.15.</p> <p>Through the monitoring of its disciplinary process, including consumer complaints and disciplinary actions, the Board believes that enforcement standards are needed to notify licensees of acts of a sexual nature which the Board deems unprofessional when occurring or resulting form a professional relationship. Statutory Authority: Sections 15 and 16(3) of the Podiatry Practice Act, 63 P. S. §§ 42.15 and 42.16(3).</p> <p>This regulation is required to establish the registration fees and regulate the practice of acupuncturists under the Acupuncture Registration Act. Statutory Authority: Section 3 of the Acupuncture Registration Act, 63 P. S. § 1803.</p> <p>This regulation is required to amend the Board's regulations to conform to recent amendments to the Volunteer Health Services Act made by Act 58 of 2002. Statutory Authority: Section 15 of the Podiatry Practice Act, 63 P. S. § 42.15.</p>	
<p>State Board of Psychology —Education Requirements— 49 Pa. Code § 41.31 (16A-6313)</p> <p>—Notice Requirements— 49 Pa. Code §§ 41.65—41.66 (16A-6314)</p>	<p>Fall 2004, as Proposed.</p> <p>Fall 2004, as Final.</p>	<p>This regulation would require all doctoral degree programs in psychology and fields related to psychology within North American and the U. S. territories to either be accredited by the APA/CPA or designated by ASPPB. Statutory Authority: Sections 3.2(1) and 6(a)(2) of the Professional Psychologists Practice Act, 63 P. S. §§ 1203.2(1) and 1206(a)(2).</p> <p>This regulation would require licensees to provide notice to the Board of certain criminal convictions and disciplinary actions taken by licensing authorities in other jurisdictions and require licensees who have been suspended or revoked by the Board to notify all current clients/patients of the disciplinary action. Statutory Authority: Section 3.2(2) of the Professional Psychologists Practice Act, 63 P. S. § 1203.2(2).</p>	Christina Stuckey (717) 783-7155
<p>State Real Estate Commission —Education— 49 Pa. Code, Chapter 35. (16A-561)</p> <p>—Deletion of Examination Fee— 49 Pa. Code, Chapter 35. (16A-569)</p>	<p>Fall 2004, as Final.</p> <p>Fall 2004, as Final.</p>	<p>This regulation proposes changes to the current pre-Licensure and continuing education requirements and adds distance education. Statutory Authority: Section 404.1(a) of the Real Estate Licensing and Registration Act, 63 P. S. § 455.404a(a).</p> <p>This regulation is needed to delete references to the examination fee, which is determined by contract and charged by the professional testing organization, from the schedule of fees and examination provisions. Statutory Authority: Section 812.1 of the Administrative Code, 71 P. S. § 279.3a.</p>	Deborah Sopko (717) 783-3658

<i>Regulation Being Considered</i>	<i>Proposed Date of Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
<p>—Reciprocity— 49 Pa. Code, Chapter 35. (16A-5610)</p> <p>—Schedule of Civil Penalties— 49 Pa. Code § 43b.8 (16-32)</p>	<p>Fall 2004, as Proposed.</p> <p>Fall 2004, as Proposed.</p>	<p>This Proposed regulation implements Act 58 of 2003, which adds provisions to the Real Estate Licensing and Registration Act related to reciprocal licenses. Act 58 became effective on February 28, 2004. Statutory Authority: Section 404 of the Real Estate Licensing and Registration Act, 63 P. S. § 455.404.</p> <p>This regulation would amend the existing Act 48 Schedule of Civil Penalties formerly promulgated by the Real Estate Commission in 1998. Statutory Authority: Section 5(a) of Act 48 of 1993, 63 P. S. § 2205(a).</p>	
<p>State Board of Social Workers, Marriage and Family Therapists and Professional Counselors —Continuing Education— 49 Pa. Code, Chapter 47 (16A-693)</p> <p>—Dual Licensing of Substance Abuse Services— 49 Pa. Code § 49.17 (16A-697)</p> <p>—Sexual Misconduct— 49 Pa. Code §§ 50.20—50.25. (16A-691)</p> <p>—Supervised Clinical Experience— 49 Pa. Code, §§ 47.12c, 48.13 and 49.13. (16A-698)</p> <p>—Technical Amendments— 49 Pa. Code §§ 47.1 and 47.1a. (16A-699)</p>	<p>Fall 2004, as Proposed.</p> <p>Spring 2004, as Statement of Policy.</p> <p>Fall 2004, as Proposed.</p> <p>Fall 2004, as Proposed.</p> <p>Fall 2004, as Proposed.</p>	<p>This regulation would require that licensees complete continuing education as a condition of license renewal. Statutory Authority: Sections 18(a) 6(2) of the Social Workers, Marriage and Family Therapists and Professional Counselors Act, 63 P. S. §§ 1918(a) and 1906(2).</p> <p>This Statement of Policy establishes the Board's position on the dual licensing of providers of Substance Abuse Services by the Board and the Department of Health. Statutory Authority: Section 2 of the Social Workers, Marriage and Family Therapists and Professional Counselors Act, 63 P. S. § 1902.</p> <p>This regulation defines the professional relationship and prohibits sexual intimacies between a client/patient and the social worker, clinical social worker, marriage and family therapist or professional counselor. Statutory Authority: Section 6(2) of the Social Workers, Marriage and Family Therapists and Professional Counselors Act, 63 P. S. § 1906(2).</p> <p>This regulation permits supervised clinical experience to include group supervisory sessions within educational, institutional and agency settings without the requirement that the supervisor supervise no more than six individuals at the same time. Statutory Authority: Sections 6(2) and 7 of the Social Workers, Marriage and Family Therapists and Professional Counselors Act, 63 P. S. §§ 1906(2) and 1907.</p> <p>This regulation clarifies the definition of "accredited school" and deletes the requirement that supervisors of clinical social work applicants for licensure hold a license to practice social work in this Commonwealth so long as they are currently licensed to practice social work in any jurisdiction. Statutory Authority: Section 6 of the Social Workers, Marriage and Family Therapists and Professional Counselors Act, 63 P. S. § 1906.</p>	<p>Cindy Warner (717) 783-1389</p>
<p>State Board of Examiners in Speech-Language and Hearing</p>			<p>Cindy Warner (717) 783-1389</p>

<i>Regulation Being Considered</i>	<i>Proposed Date of Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
<p>—Continuing Education— 49 Pa. Code, Chapter 45. (16A-6802)</p> <p>—Assistant Regulations— 49 Pa. Code §§ 45.301—308. (16A-6801)</p> <p>—Act 48 of 1993 Civil Penalties— 49 Pa. Code, Chapter 43b. (16-29)</p>	<p>Fall 2004, as Proposed.</p> <p>Fall 2004, as Proposed.</p> <p>Summer 2004, as Statement of Policy.</p>	<p>This regulation would establish continuing education requirements to comply with Act 71 of 2000. Statutory Authority: Section 5(7) of the Speech-Language and Hearing Licensure Act, 63 P. S. § 1705(7).</p> <p>This amendment would update the regulatory provisions pertaining to assistants. Statutory Authority: Section 5(8) of the Speech-Language and Hearing Licensure Act, 63 P. S. § 1705(8).</p> <p>The policy statement would establish a schedule of Act 48 civil penalties for violations of the Speech-Language and Hearing Licensure Act and the Board's regulations. Statutory Authority: Section 5(a) of Act 48 of 1993, 63 P. S. § 2205(a).</p>	
<p>State Board of Vehicle Manufacturers, Dealers and Salespersons</p> <p>—Consignment Sales— 49 Pa. Code § 19.19. (16A-607) (formerly 16A-601)</p> <p>—Auction License— 49 Pa. Code § 19.21. (16A-603)</p> <p>—Display Requirements— 49 Pa. Code § 19.18. (16A-604)</p> <p>—Branch Lots— 49 Pa. Code § 19.18. (16A-605)</p> <p>—Protest Procedures— 49 Pa. Code, Chapter 19. (16A-608)</p> <p>—Act 48 of 1993 Civil Penalties— 49 Pa. Code, Chapter 43b. (16-32)</p>	<p>Fall 2004, as Final.</p> <p>Fall 2004, as Final.</p> <p>Fall 2004, as Final.</p> <p>Summer 2004, as Final.</p> <p>Fall 2004, as Proposed</p> <p>Fall 2004, as Proposed.</p>	<p>This regulation would set forth the standards by which dealers may engage in consignment sales. Statutory Authority: Section 4(9) of the Board of Vehicles Act, 63 P. S. § 818.4(9).</p> <p>This regulation would set out standards for licensure as a vehicle auction, a new category of licensure created by the 1996 amendments to the Act. Statutory Authority: Section 4(9) of the Board of Vehicles Act, 63 P. S. § 818.4(9).</p> <p>This regulation would create an exception in the Board's regulations to permit a vehicle dealer to display up to five vehicles in a non-conforming area so long as the public is not permitted to enter the non-conforming area. Statutory Authority: Section 4(9) of the Board of Vehicles Act, 63 P. S. § 818.4(9).</p> <p>This regulation permits vehicle dealers to (1) display a single vehicle, or series of single vehicles, at an unlicensed location if no sales activity is occurring at that location and (2) store vehicles at an unlicensed location if no sales activity is occurring at that location. Statutory Authority: Sections 2, 4 and 5 of the Board of Vehicles Act, 63 P. S. §§ 818.2, 818.4(4), 818.4(9), and 818.5(e).</p> <p>This regulation would establish procedures to be followed in franchise protest hearings. Statutory Authority: Section 4(9) of the Board of Vehicles Act, 63 P. S. § 818.4(9).</p> <p>This regulation would amend the schedule of Act 48 of 1993 civil penalties for violations of the Board of Vehicles Act and the Board's regulations. Statutory Authority: Section 5(a) of Act 48 of 1993, 63 P. S. § 2205(a).</p>	<p>Teresa Woodall (717) 783-1697</p>

<i>Regulation Being Considered</i>	<i>Proposed Date of Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
State Board of Veterinary Medicine—Implanting Electronic Devices and Conforming Regulations to Act 167 of 2002—49 Pa. Code, Chapter 31. (16A-5715)	Fall 2004, as Final.	This regulation would add implanting electronic identification devices as a duty that may be performed by a veterinary technician or a non-certified employee. In addition, Act 167 of 2002 made terminology changes, changes to the continuing education provisions, and changes to the grounds for discipline of certified veterinary technicians. This regulation conforms the Board's regulations to Act 167 of 2002. Statutory Authority: Section 5 of the Veterinary Medicine Practice Act, 63 P. S. § 485.5, and Section 1 of Act 167 of 2002.	J. Robert Kline (717) 783-7134
<b>STATE EMPLOYEES' RETIREMENT SYSTEM</b>			
4 Pa. Code Chapter 243, Section 243.3 (relating to optional alternate retirement programs)  4 Pa. Code Chapter 249, Section 249.58 (relating to optional alternate retirement plans).	Summer 2004	Revisions to Optional Alternate Retirement Program Regulations: 4 Pa. Code §§ 243.3 and 249.58—Amend to eliminate language that permits current members of SERS to withdraw from SERS to join an alternate retirement plan established under Act 2001-35.	M. Catherine Nolan (717) 237-0392  Sean Sanderson (717) 237-0261
<b>STATE POLICE</b>			
Interception, maintenance, and destruction of Mobile Video Recordings 37 Pa. Code Chapter 50	January 2005, as proposed.	Act 53 of 2002 requires the State Police Commissioner, in consultation with the Attorney General, to promulgate these regulations. 18 Pa.C.S. §§ 5704(16), 5749.	Syndi L. Guido 717-772-0905
DNA Detection of Sexual and Violent Offenders. 37 Pa. Code Chapter 58	January 2005, as proposed	Act 57 of 2002 amended Title 42 of the Judicial Code to include Chapter 47, which establishes a DNA database and provides for the collection and testing of DNA samples from individuals convicted of specified offenses. The act is a recodification of a prior DNA act. The act requires the Department to promulgate regulations to effectuate the act.	Syndi L. Guido 717-772-0905
Administration of Megan's Law—Neighbor Notification 37 Pa. Code Chapter 55	January 2005, as proposed	Act 18 of 2000, known as Megan's Law, provides for the registration of sexual offenders and community notification for sexually violent predators. The act requires the Department to promulgate guidelines for the general administration of the act in consultation with the Department of Corrections, the Office of Attorney General, the Pennsylvania Board of Probation and Parole, and the chairmen and minority chairmen of the Senate and House Judiciary Committees. The act also requires the Department to write regulations regarding neighbor notification of sexually violent predators' residence, school, or employer. Although the requisite guidelines and regulations have been promulgated, the Department is in the process of updating them.	Syndi L. Guido 717-772-0905
Use of Unmarked Cars 37 Pa. Code Chapter 42 (Reg. 17-65)	August 2004, as final rulemaking	Act 75 of 2001 requires the State Police to promulgate regulations, in consultation with the Department of Transportation, for police officers' use of unmarked vehicles.	Syndi L. Guido 717-772-0905

<i>Regulation Being Considered</i>	<i>Proposed Date of Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
Administration of the Bureau of Liquor Control Enforcement Age Compliance Check Program 37 Pa. Code Chapter 23 (Reg. 17-64)	August 2004, as final rulemaking	Act 141 of 2002 amended the Crimes Code to allow individuals between the age of 18 and 21 to purchase, possess, and transport alcoholic beverages if they are working under the direct supervision of an adult liquor control enforcement officer. The act requires the State Police to promulgate regulations prescribing the manner in which age compliance checks will be performed.	Syndi L. Guido 717-772-0905
Designation of Emergency Vehicles 37 Pa. Code Chapter 41 (Reg. 17-66)	August 2004, as final rulemaking	Pursuant to 75 Pa.C.S. § 6106 (relating to designation of emergency vehicles by Pennsylvania State Police), the State Police may designate any vehicle or group of vehicles as emergency vehicles upon a finding that the designation is necessary to the preservation of life or property or to the execution of emergency governmental functions. This final-form rulemaking amends § 41.5 (relating to eligibility) to allow the Department of Corrections (Department) to apply for emergency vehicle designation of vehicles used by its Hostage Rescue Teams, Hostage Negotiation Teams, Corrections Emergency Response Teams, Corrections Rifle Specialist Teams and Central Office Special Teams Coordinator.	Syndi L. Guido 717-772-0905
<b>STATE SYSTEM OF HIGHER EDUCATION</b>			
No regulations being developed or considered at this date.			
<b>TRANSPORTATION</b>			
Authorized Vehicles and Special Operating Privileges 67 Pa. Code Chap. 15	November 2004, as proposed	Section 6107 of the Vehicle Code requires a regulation, but some changes are necessary.	Arthur H. Breneman 717-787-3620
Child Passenger Protection 67 Pa. Code Chap. 102	November 2004, as proposed	Section 4581 of the Vehicle Code requires regulations for child passenger seats. This will be a new regulation.	D. J. Reed 717-783-4577
Vehicles Required to Stop at Railroad Grade Crossings 67 Pa. Code Chap. 103	July 2004, as final deletion	Section 3342(d) of the Vehicle Code no longer requires a regulation, but only a notice in the <i>Pennsylvania Bulletin</i> . Since a notice was published on 2/17/01, this regulation is no longer required. The proposed deletion was published on 2/14/04 (34 Pa.B. 843).	Arthur H. Breneman 717-787-3620
Engineering and Traffic Studies 67 Pa. Code Chap. 201	July 2004, as proposed deletion	The need for this chapter will be eliminated when Chapter 212 is adopted. The proposed Chapter 212, and the proposed deletion of this chapter, was published on 4/19/03 (33 Pa.B. 1930), but both will be published again as proposed.	Arthur H. Breneman 717-787-3620
Work Zone Traffic Control 67 Pa. Code Chap. 203	July 2004, as proposed deletion	The need for this chapter will be eliminated when Chapter 212 is adopted. The proposed Chapter 212, and the proposed deletion of this chapter, was published on 4/19/03 (33 Pa.B. 1930), but both will be published again as proposed.	Arthur H. Breneman 717-787-3620
Official Traffic Control Devices 67 Pa. Code Chap. 211	July 2004, as proposed deletion	The need for this chapter will be eliminated when Chapter 212 is adopted. The proposed Chapter 212, and the proposed deletion of this chapter, was published on 4/19/03 (33 Pa.B. 1930), but both will be published again as proposed.	Arthur H. Breneman 717-787-3620

<i>Regulation Being Considered</i>	<i>Proposed Date of Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
Official Traffic Control Devices 67 Pa. Code Chap. 212	July 2004, as proposed	This regulation will adopt the federal Manual on Uniform Traffic Control Devices (MUTCD) and thereby eliminate the need for most of the requirements in the current Chapters 201, 203 and 211. The proposed Chapter 212 was published on 4/19/03 (33 Pa.B. 1930), but because the Department also needs to propose a regulation to implement Act 229 of 2002 regarding active work zones (and to eliminate guidelines currently contained in a Chapter 204), and because of other proposed changes (including the elimination of Chapter 217), the proposed Chapter 212 and the proposed deletion of Chapters 201, 203, 204, 211 and 217 will be republished for comments.	Arthur H. Breneman 717-787-3620
Posting of Private Parking Lots 67 Pa. Code Chap. 217	July 2004, as proposed deletion	The need for this chapter will be eliminated when Chapter 212 is adopted.	Arthur H. Breneman 717-787-3620
Access to and Occupancy of Highways by Driveways and Local Roads 67 Pa. Code Chap. 441	September 2004, as proposed	Update to better reflect current requirements.	Daniel R. Smyser 717-787-7445
Pre-qualification of Bidders 67 Pa. Code Chap. 457	September 2004, as proposed	Changes required as a result of a reengineering process.	Joseph F. Cribben 717-787-3733
Vehicle Equipment and Inspection 67 Pa. Code Chapter 175	December 2004	Vehicle Code changes regarding Motorcycle handle-bar height and hours of inspection station operation need to be reflected in this chapter so language is consistent. The Department also has been asked to look at other (additional) documents that could be used as proof-of-ownership for the purpose of inspecting a vehicle.	Mike Rorick (717) 787-5523
Driver's License Exam 67 Pa. Code Chapter 75	January 2005	Changes are being made to allow Chiropractors to give the basic driver qualification physical. Was forwarded to the Office of General Counsel on April 22, 2004. Is being packaged and reviewed.	Mike Rorick (717) 787-5523
Transfer, Exchange & Reclassification of Registration 67 Pa. Code Chapter 51	December 2004	An amendment is needed to eliminate the transfer fee dollar amount reference or to change the transfer fee to \$6.00 to be consistent with Section 1927 of the Vehicle Code.	Phil VanBriggle (717) 787-2304
Proportional Registration of Fleet Vehicles 67 Pa. Code Chapter 63	July 2004	Revisions were submitted to the Office of Chief Counsel in April 2004. The revision changes the temporary authorization from 30 days to 60 days, to be consistent with the International Registration Plan.	Mike Rorick (717) 787-5523
Permit Agents 67 Pa. Code Chapter 65	July 2004	Revisions were submitted to the Office of Chief Counsel in April 2004. To be consistent with Chapter 63, the duration of a telegram of authority was changed from 30 days to 60 days.	Mike Rorick (717) 787-5523
Physical & Mental Criteria—Including Vision Standards Relating to the Licensing of Drivers 67 Pa. Code Chapter 83	July 2004	These regulations are being updated to keep pace with medical advances, and reflect the recommendations of the PennDOT Medical Advisory Board. The Independent Regulatory Review Commission hearing was held May 13, 2004, and the regulations will likely be published as a final rulemaking in July, 2004 and included in the Pa. Code pages before January 2005.	Mike Rorick (717) 787-5523

<i>Regulation Being Considered</i>	<i>Proposed Date of Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
Occupational Limited License 67 Pa. Code Chapter 86	December 2004	Regulations were developed as a result of the DUI legislation of 2003, which mandates providing occupational limited licenses to some first-time DUI violators. A statement of policy has been published, and the Office of Chief Counsel has forwarded the regulations on for formal promulgation.	Mike Rorick (717) 787-5523
Ignition Interlock 67 Pa. Code Chapter 88	December 2004	Regulations were developed as a result of the DUI legislation of 2003, which requires PennDOT to develop in regulation provisions for an ignition interlock hardship exemption. The economic hardship provisions are being updated. A statement of policy has been published, and the Office of General Counsel has forwarded the regulation for promulgation.	Mike Rorick (717) 787-5523

[Pa.B. Doc. No. 04-1208. Filed for public inspection July 2, 2004, 9:00 a.m.]

## INDEPENDENT REGULATORY REVIEW COMMISSION

### Notice of Comments Issued

Section 5(g) of the Regulatory Review Act (71 P. S. § 745.5(g)) provides that the Independent Regulatory Review Commission (Commission) may issue comments within 30 days of the close of the public comment period. The Commission comments are based upon the criteria contained in section 5.2 of the Regulatory Review Act (71 P. S. § 745.5b).

The Commission has issued comments on the following proposed regulations. The agency must consider these comments in preparing the final-form regulation. The final-form regulation must be submitted within 2 years of the close of the public comment period or it will be deemed withdrawn.

<i>Reg. No.</i>	<i>Agency/Title</i>	<i>Close of the Public Comment Period</i>	<i>IRRC Comments Issued</i>
57-232	Pennsylvania Public Utility Commission Establishing Local Service Provider Abandonment Process for Jurisdictional Telecommunication Companies (34 Pa.B. 1795 (April 3, 2004))	5/18/04	6/17/04
57-230	Pennsylvania Public Utility Commission Changing Local Service Providers (34 Pa.B. 1748 (April 3, 2004))	5/18/04	6/17/04

#### **Pennsylvania Public Utility Commission Regulation #57-232 (IRRC #2393)**

#### **Establishing Local Service Provider Abandonment Process for Jurisdictional Telecommunications Companies**

**June 17, 2004**

We submit for consideration the following comments that include references to the criteria in the Regulatory Review Act (71 P. S. § 745.5b) which have not been met. The Pennsylvania Public Utility Commission (PUC) must respond to these comments when it submits the final-form regulation. The public comment period for this regulation closed on May 18, 2004. If the final-form regulation is not delivered within 2 years of the close of the public comment period, the regulation will be deemed withdrawn.

The section designations differ between the original version submitted by the PUC and the version published by the Legislative Reference Bureau in the *Pennsylvania Bulletin*. These comments use the section numbering published in the *Pennsylvania Bulletin*.

#### **1. Subchapter N. Local service provider abandonment process.—Feasibility.**

This regulation assigns responsibilities to local service providers (LSPs), network service providers (NSPs), local service resellers and wholesale customers involved in the abandonment of service process. It requires the abandoning LSP to perform multiple functions over a period of several months in conjunction with the other affected parties.

LSPs typically abandon service because of poor financial health. While the regulation provides protections under the best case scenario, it would appear further protection of the end-use-customer is needed if that process breaks down. The final-form regulation should

include provisions to reassign functions of the abandoning LSP if it fails to, or is unable to, perform its required duties.

**2. Agreements between NSPs and LSPs.—Implementation procedures; Economic impact; Reasonableness.**

The time frames and requirements in the regulation may differ from existing agreements between an LSP and an NSP. Under these regulations, the PUC may order a time extension that was not in the interconnection agreement. If nonpayment is involved, the extension would be costly to the NSP. The regulation should address how implementation of the new regulatory requirements will affect existing and future interconnection agreements and whether the regulation supersedes existing agreements.

**3. Section 63.302. Definitions.—Clarity.**

*Telephone service, local service, service and telecommunications service*

This proposed rulemaking uses these terms throughout the regulation. Only the term “local service” is defined. The defined term “local service” should be used throughout the regulation.

*LSP—Local Service Provider*

We have two concerns. First, this definition includes the undefined terms “unbundled network elements (with or without platform)” and “nonjurisdictional services.” The final-form regulation should include definitions of these terms.

Second, the terms “NLSP” (new LSP) and “OLSP” (old LSP) should have stand alone definitions so that they can easily be found by the reader.

*NSP—Network Service Provider*

This definition includes the term “carrier.” This term should be defined in the final-form regulation.

**4. Section 63.303. NSP embargo process.—Reasonableness; Clarity.**

*Subsection (a)*

Paragraph (1) uses the date the bill is “rendered” as the trigger for the 30-day period. Is this the date sent, date postmarked, date of the bill or date received? The regulation should specify the beginning of the 30-day period.

Under paragraphs (2)—(4), an NSP may embargo services if the wholesale customer: fails to abide by the terms of a PUC-approved interconnection agreement; fails to comply with the terms of a payment agreement; or fails to comply with a PUC order. Initiation of an embargo allows an NSP to refuse to process local service change requests or initiate new local service requests. Who makes the determination that the wholesale customer has failed to abide by the agreements? What remedy does the wholesale customer have if they disagree?

*Subsection (c)*

Paragraph (1) requires 10 days notice prior to initiation of an embargo. Is this sufficient time for the wholesale customer to evaluate and respond to the NSP embargo notice to avoid § 63.304(a)?

Paragraph (2) lists information required in an embargo notice. However, it does not require a reason for the embargo or a breakdown of the amount owed. Without this information it may be difficult for the wholesale customer to evaluate the embargo notice and respond to it. Therefore, the regulation should require this information.

**5. Section 63.304. NSP termination process for wholesale customers.—Reasonableness; Clarity.**

*Subsection (a)*

Paragraph (3) requires a “properly filed dispute.” We have three questions. First, who makes the determination that the dispute is properly filed? If the determination is made by the NSP, the regulation should specify how this determination can be appealed.

Second, if a dispute was properly filed, how will the wholesale customer be notified?

Third, if a dispute was not properly filed, how will the wholesale customer be notified and what opportunity will the wholesale customer be given to correct the filing?

**6. Section 63.305. Initiation of abandonment.—Clarity.**

There are two concerns.

First, if the wholesale customer submits a properly filed dispute, there would be no need to initiate the abandonment of service. Therefore, the opening paragraph should end with the phrase “unless a properly filed dispute is filed under § 63.304(a)(3)” or similar language.

Second, paragraph (3) deals with voluntary abandonment, but only requires the 90-day notice to the PUC “. . . when financial or operational data indicates there is a likelihood that the LSP may not be able to provide service . . .” The 90-day notice should always be required. For example, if the LSP simply elects to exit a market area, but is otherwise in sound operational and financial condition, notice to the PUC should still be required.

**7. Section 63.306. Abandoning LSP obligation for abandonment.—Economic impact; Reasonableness; Clarity.**

*Subsection (a)*

This subsection requires the abandoning LSP to make a “good faith effort to secure an acquiring carrier to serve the customers it plans to abandon.” The term “acquiring carrier” is not defined and should be replaced by an appropriate defined term such as “acquiring LSP.”

*Subsection (b)*

The example in paragraph (13) uses the terms “UNE-P (x carrier), resale (y carrier), UNE-L (x carrier) and Full Facilities.” It is not clear what these terms mean. They should be explained within the example or defined.

Paragraph (17) requires “details of a transfer of assets or control that requires Commission approval.” A cross reference to the provisions that describe the “transfer of assets or control” that require PUC approval should be added.

Paragraph (22) refers to “default LSP provisions.” The final-form regulation should provide a citation to § 63.310.

Paragraph (22) also requires customer service records to be provided “. . . 28 days prior to the exit date . . .” Should this state “. . . at least 28 days prior to the exit date . . .”?

*Subsection (c)*

Paragraph (1) requires compliance with the “National Emergency Numbering Association’s (NENA) standards.” A more specific reference is needed to indicate where these standards can be found and which specific standards must be met.



*Subsection (e)*

Paragraph (1) uses the term “acquiring carrier,” which is not defined. Should this be “acquiring LSP”?

The second requirement of paragraph (2) states that the abandoning LSP must direct customers to choose a service provider “to replace the service it has been providing.” While basic dial tone service would need to be replaced, a customer would be free to add or delete other services. The notice to the customer should include this flexibility in acquiring new service.

Paragraph (4) lists the information required in the customer notice. This list should include who the customer should contact if the customer encounters problems with the transfer of service, such as the program manager appointed under § 63.307 or the PUC.

Paragraph (4)(i) requires “A printed teaser . . . .” What specifically qualifies as a “teaser”?

Paragraph (4)(vii) requires the abandoning LSP to provide their customers with “a list of alternative LSPs, including contact numbers and addresses, that serve the customer’s area.” To be competitively fair, this list should include all available alternative LSPs. How can an abandoning LSP obtain a comprehensive list of alternative LSPs that serve the area being abandoned?

**8. Section 63.307. Abandonment process management.—Protection of the public safety.**

Subsection (b) lists the parties to whom the program manager is accountable in the abandonment. Why doesn’t this list include the customers? Related to our comment on § 63.306(e)(4), who would customers contact if they are experiencing problems during the transition?

**9. Section 63.309. Acquiring LSP provisions and obligations.—Protection of the public welfare; Clarity.**

The notice to customers does not include the provision in § 63.301(a)(4) to “ensure customers have . . . the opportunity to select a new LSP of their choice.” This provision should be included in this notice so that customers are aware that the transfer of their service to the acquiring LSP does not affect their right to select a different LSP of their choice.

*Subsection (a)*

This subsection requires the acquiring LSP to send notice to customers of the pending changes 60 days in advance of the exit date. We note that the abandoning LSP must also send notice under § 63.306(e)(1) in the same time frame. Multiple notices may be confusing to the customer, especially if the acquiring LSP notice arrives before the abandoning LSP notice. Therefore, these notices should be combined into one notice sent by the abandoning LSP.

*Subsection (c)*

This subsection states the change of the customer’s LSP won’t be considered slamming. A cross reference to the slamming provision under § 64.23(b) should be added.

*Subsection (d)*

If the abandoning LSP either refuses or is unable to pay the carrier change charges under this subsection, can the acquiring LSP then bill the customer for those charges?

*Subsection (e)*

This subsection includes the phrase “unable to provide” as it relates to an acquiring carrier providing service to a

customer. This provision is broad. For example, would these circumstances be limited to processing and capacity problems, or could the credit history of the customer also be a reason the acquiring LSP is unable to provide service? The regulation should specify the circumstances under which an acquiring LSP would be permitted to make the determination that it is unable or unwilling to provide service. Furthermore, given the requirement placed on NSPs to serve as the default LSP under § 63.310, the PUC should explain why this provision is reasonable to a default NSP.

Subsection (e) also requires the abandoning LSP to continue to provide service if the acquiring carriers cannot and the customer is unable to select another carrier. What happens if the abandoning LSP discontinues service anyway?

**10. Section 63.310. NSP obligations to serve as the default LSP.—Economic impact; Clarity.**

In the public comments submitted on this regulation, an NSP and an LSP oppose this section. The LSP is concerned that NSPs will gain customers that the LSPs should get a chance to acquire. The NSP is concerned that they will be forced to accept customers they would otherwise reject. The PUC should explain the need for this section in a competitive market.

Related to our concern with § 63.309(e), what customers will the NSP be required to serve and under what circumstances? For example, if the acquiring LSP is permitted to reject customers who are not paying their bills, would the NSP also be allowed the same option?

**11. Other miscellaneous clarity issues.**

a. Should § 63.301(a)(2) state “. . . under any of the following circumstances: . . . .”? (Emphasis added.)

b. In the definition of “Abandoning LSP” in § 63.302, why is the phrase “in a service area” needed?

c. The title of § 63.306(d)(2) should be “NANPA abandonment notice” to be consistent with the format of paragraph (1).

d. Section 63.308(a) mentions the PUC’s website. The website address should also be included.

**Pennsylvania Public Utility Commission Regulation  
#57-230 (IRRC #2394)**

**Changing Local Service Providers**

**June 17, 2004**

We submit for consideration the following comments that include references to the criteria in the Regulatory Review Act (71 P. S. § 745.5b) which have not been met. The Pennsylvania Public Utility Commission (PUC) must respond to these comments when it submits the final-form regulation. The public comment period for this regulation closed on May 18, 2004. If the final-form regulation is not delivered within 2 years of the close of the public comment period, the regulation will be deemed withdrawn.

The section designations differ between the original version submitted by the PUC and the version published by the Legislative Reference Bureau in the *Pennsylvania Bulletin*. These comments use the section numbering published in the *Pennsylvania Bulletin*.

**1. Section 63.191. Statement of purpose and policy.—Clarity.**

This section states that the purpose of this rulemaking is to “establish general rules, procedures and standards

governing the migration of customers between LSPs." The final-form rulemaking should specify that the regulation applies to both residential and business customers.

**2. Section 63.192. Definitions.—Clarity.**

*Telephone service, local service, local basic service, service, vertical service, optional services and telecommunications service*

This proposed rulemaking uses these terms throughout the regulation. Only the term "local service" is defined. The defined term "local service" should be used throughout the regulation.

*Facilities and telephone facilities*

Similar to the previous comment, this proposed regulation uses the terms "facilities" and "telephone facilities." One term should be defined and used consistently.

*LSC—Local service confirmation*

This definition includes the term "unbundled loop connections." The final-form regulation should define this term.

*LOA—Letter of authorization*

This definition contains two parts. The first part of this definition states the following: "Sometimes used in a general sense as the data or record indicating that the customer has authorized the new local service provider (NLSP) to act as the customer's agent." The phrase "sometimes used in general sense" is vague and ambiguous. Therefore, it should be deleted from the final-form regulation. In addition, the phrase "the term is used to indicate" that begins the second part of the definition should be deleted.

*LSP—Local Service Provider*

We have two concerns. First, this definition includes the undefined terms "unbundled network elements (with or without platform)" and "nonjurisdictional services." The final-form regulation should include definitions of these terms.

Second, subparagraph (i), which explains the terms "NLSP" (new LSP) and "OLSP" (old LSP), should be deleted. These terms are defined separately in this section.

*LSP-to-LSP end user migration guidelines or migration guidelines*

Subparagraphs (i) and (ii) of this definition explain how the migration guidelines will be developed and state that they will be amended from time to time. These provisions are substantive because they require certain parties to take action. Substantive provisions in a definition are not enforceable. In addition, they are not needed in the definition because § 63.203, regarding migration guidelines and industry work group, contains these provisions. Therefore, these subsections should be deleted.

*NSP—Network Service Provider*

This definition includes the term "carrier." Clarity would be improved if this term were defined in the final-form regulation.

**3. Section 63.201. General migration standard.—Clarity; Reasonableness.**

*Subsection (b)*

This subsection states that a NLSP shall communicate certain information to the customer "when applicable." We have two questions. First, under what circumstances would an NLSP not have to communicate that informa-

tion to the customer? Second, what specific information is required to be communicated and explained?

*Subsection (c)*

This subsection states, in part, "the OLSP has the right to protect itself from potential loss as permissible by Commission regulations." The final-form rulemaking should provide a citation to the applicable regulations. In addition, how can an OLSP protect itself from loss?

*Subsection (e)*

This subsection references the "interfering station procedure." The final-form regulation should include a citation to §§ 63.211—63.214.

*Subsection (f)*

This subsection states that "each LSP shall ensure that its 9-1-1 and Directory Listings/White Pages databases are accurate, accessible and updated as appropriate." We have two questions. First, if an LSP does not have its own "facilities," can it maintain accurate databases of the required information? If not, we recommend that this provision be amended to identify the actual party that maintains the database.

Second, the phrase "as appropriate" is unclear. When should a database be updated?

**4. Section 63.202. Migration responsibilities of the NLSPs and the NSPs.—Clarity; Reasonableness; Need.**

This section lists four responsibilities for NLSPs and one responsibility for NSPs. OLSPs are also involved in the migration process. This section of the final-form regulation should list the responsibilities of an OLSP when a migration occurs.

*Subsection (a)*

This subsection repeats the requirements contained in § 63.201(b), regarding general migration standards. Therefore, this subsection should be deleted from the final-form regulation.

*Subsection (b)*

This subsection states the following: "The prospective NLSP shall be responsible for coordinating the migration of the customer's local service with its NSP, if any, and with the OLSP." How can a prospective NLSP be responsible for coordinating a migration that depends on the cooperation of the OLSP?

*Subsection (e)*

This subsection includes the phrase "working days." This phrase is not defined. To improve clarity, the final-form regulation should use the phrase "business days."

**5. Section 63.203. Migration guidelines and industry work group.—Noncompliance with Commonwealth Documents Law.**

This section attempts to incorporate as yet undeveloped guidelines and enforce them against LSPs and NSPs. These guidelines, however, will constitute a statement of policy, not a regulation. Regulations have the force of law, and establish binding norms of general applicability and future effect. As such, they must be promulgated in compliance with the Commonwealth Documents Law. *DER v. Rushton Mining Co.*, 591 A.2d 1168 (Pa. Cmwlth. 1991), allocatur denied, 600 A.2d 541 (Pa. 1991).

In contrast, statements of policy are not binding on the agency, and may be challenged by regulated parties on a case-by-case basis. If the PUC wants to have enforceable

migration standards, the standards should be published as a new proposed regulation, in compliance with the Commonwealth Documents Law.

**6. Section 63.204. Standards for the exchange of customer service information.—Clarity; Reasonableness; Need.**

The phrase “customer service information” is used in the title of this section, but is not defined in this proposed rulemaking. Does “customer service information” differ from the defined term “customer service record”? For clarity, the final-form regulation should either use the defined term or a definition of “customer service information” should be added.

A commentator expressed concern with the potential for abuse of consumer confidentiality under this section. What guarantees are there that confidential consumer information will be protected?

*Subsections (a) and (d)*

These subsections include the phrase “additional procedures as may be authorized by the FCC or the Commission.” We have two questions regarding this phrase. First, how will the additional procedures be developed and communicated to the affected parties? Second, why aren’t the additional prospective procedures from the PUC included in this rulemaking?

In addition, these subsections include a 2-year recordkeeping requirement. What is the reason for keeping these records for 2 years?

*Subsection (a)*

The terms “third-party verification,” “recording verification permission” and “appropriate retained documentation” are used in this subsection. For clarity, the final-form regulation should explain or define these terms.

*Subsection (c)*

Under this subsection, a current LSP is prohibited from contacting a customer to retain or keep that customer as a result of a request for a customer service record (CSR). We have three questions. First, why is this protection needed? Second, when does this prohibition expire so the LSP can attempt to regain that customer? Third, what constitutes contact? For example, would a current LSP’s typical advertising practices, such as including new rate information in billing notices or phone solicitation, be considered “contact”?

*Subsection (d)*

We have two concerns with this subsection. First, it states that when a prospective NLSP has verified authorization to switch a customer’s LSP, the NLSP shall request the customer’s “network servicing arrangements and a CSR from the OLSP.” The term “network serving arrangements” is not clear. For clarity, the final-form regulation should either define this term or explain within this subsection what specific information is required.

Second, this subsection states that a prospective NLSP is not required to provide proof that it has verified authorization for the migration. Since prospective NLSPs are not required to show that they have obtained authorization to migrate a customer, how will the consumer and the OLSP be protected from illegal business activities such as “slamming”? “Slamming” is defined in § 64.2 as the unauthorized changing of a customer’s telecommunications provider, whether for local exchange service, intraLATA toll or interLATA toll.

*Subsection (e)*

We have three concerns with this subsection.

First, it requires 13 pieces of information when a CSR is requested. Is this information typically part of a CSR? If so, why is it necessary to list each piece of information separately? If this information is not typically found in a CSR, we recommend that those pieces of information should be included in the definition of CSR in § 63.192. If this approach is adopted, this subsection could be deleted.

Second, do any of the 13 pieces of information comprise what is referred to as “network serving arrangements” referenced in subsection (d)? If not, subsection (e) should also require the OLSP to provide “network serving arrangements” to the prospective NLSP.

Third, the terms “interLATA,” “intraLATA,” “UNE-P” and “unbundled loop” should be defined.

*Subsection (f)*

This subsection provides timetables for OLSPs to provide CSRs to prospective NLSPs. We have three concerns.

First, subsection (d) requires prospective NLSPs to request CSRs and “customer’s network serving arrangements” from OLSPs. Must OLSPs provide a “customer’s network serving arrangements” using the same timetable? If so, subsection (f) should be amended to reflect that fact.

Second, under paragraphs (1) and (2), CSRs are required to be provided within 48 and 24 hours respectively. What is the reason for establishing the timetables in hours instead of days?

Third, paragraph (3) uses the word “day.” Is it the PUC’s intent to interpret the meaning of “day” as a calendar day or a business day. The final-form regulation should make this distinction.

**7. Section 63.205. Removal or lifting of LSPFs.—Clarity; Reasonableness; Need; Conflict with Federal regulations.**

A commentator has alleged that these regulations conflict with Federal Communication Commission (FCC) regulations on the topic of antislamming found in 47 CFR 64.1130. The PUC should explain how these regulations are consistent with FCC regulations.

*Subsection (a)*

This subsection establishes the procedures for lifting an LSP freeze (LSPF). We have two concerns with this section.

First, it is unclear who can authorize the lifting of a LSPF. Paragraph (2) states that an applicant or “appropriate agent” shall contact the OLSP to have a freeze lifted. However, it is not clear who can be an “appropriate agent.” This term should be explained or defined in the regulation.

Second, there is an inconsistency between paragraph (3) and the preamble. Paragraph (3) states that a prospective NLSP may not authorize the removal of an applicant’s LSPF. However, the preamble states “... that status as a prospective NLSP should not preclude an entity from exercising an explicit delegation of freeze-lifting authority from its prospective customers.” Consumers who have established LSPFs should be protected from NLSPs who may attempt to circumvent the customer’s established LSPF. The final-form regulation should clearly establish who can lift an LSPF and, if that authority can be delegated, the specific consumer protections required before delegating that authority.

*Subsection (c)*

This subsection states that LSPs shall provide various methods to customers for lifting LSPFs, as required by the PUC or the FCC. Those methods are not specified. The final-form regulation should include the methods or provide a reference to where those methods can be found.

**8. Section 63.207. Discontinuance of billing.—Reasonableness.**

Subsection (b) requires a customer's OLSP to issue a final bill within 42 days of receiving notification from the prospective NLSP that the customer has requested to migrate service. Commentators believe that the trigger for final billing is inappropriate because in their experience many requests are never processed. Why is the final bill required upon request to change service rather than after the migration is final?

**9. Section 63.211. Duties of OLSPs and NSPs when an interfering station condition is identified.—Clarity; Reasonableness; Need.**

*Subsections (a) and (b)*

These subsections require either the OLSP or the NSP to perform certain duties. The final-form regulation should establish parameters that would clearly indicate when either the OLSP or the NSP must perform the required duty.

*Subsection (b)*

Under subsection (b), a commentator questioned the authority of an OLSP to review local service requests (LSR). What is the need for an OLSP to review LSRs?

Paragraph (2) requires an OLSP or the NSP to correct an incorrect LSR. Why is the responsibility placed on the OLSP or the NSP to correct this information?

**10. Section 63.212. Duties of the prospective NLSP and the applicant when an interfering station condition is identified.—Clarity.**

Subsections (c) and (d) are directly related and should be merged into a single subsection. Likewise, subsections (e) and (f) should be merged.

**11. Section 63.213. Duties of the OLSP if notified by the prospective NLSP that an interfering station exists at a location where the existing service is provided by the OLSP and the applicant has shown proof of ownership or right of occupancy.—Reasonableness.**

*Subsection (a)*

Under this subsection, timeframes for an OLSP to notify and terminate service are established. The termination date is 7 days from the date of mailing of the notice by first class mail. Is this a reasonable timeframe for a customer of record to respond to a termination notice?

*Subsection (b)*

This subsection requires the OLSP to remove the customer of record from billing and to release the facilities to the prospective NLSP when the customer of record does not respond to the termination notice. What is the reason for removing the customer of record from billing?

**12. Section 63.221. Consumer complaint procedures.—Clarity.**

The title of this section includes the word "consumer." That term is not defined and it is not used anywhere in

this section except the title. The PUC should amend the title of this section to "Customer complaint procedures."

*Subsection (b)*

This subsection references §§ 64.141—64.182. Should this reference be amended to §§ 64.131—64.182?

*Subsection (c)*

This subsection refers to an applicant, customer or third party. Who is a "third party" and when would it have standing to file a complaint?

*Subsections (c) and (d)*

These subsections require the PUC and the service provider to perform certain actions, but do not indicate the timeframes for performing these actions. The final-form regulation should provide timeframes that indicate when either the PUC or a service provider must perform the required duty.

**13. Section 63.222. Expedited dispute process.—Clarity.**

*Subsection (a)*

This subsection states that the PUC will designate contact persons through which LSPs and NSPs may request expedited resolutions. We have two questions. First, can a customer or applicant file a complaint under this section? Second, are the "contact persons" PUC employees?

*Subsection (d)*

This subsection refers to the PUC's alternate dispute or formal dispute resolution processes. Is this reference to the procedures under Subchapter G? The final-form regulation should include a cross reference to the processes to be used.

JOHN R. MCGINLEY, Jr.,  
*Chairperson*

[Pa.B. Doc. No. 04-1209. Filed for public inspection July 2, 2004, 9:00 a.m.]

**Notice of Filing of Final Rulemakings**

The Independent Regulatory Review Commission (Commission) received the following regulations on the dates indicated. To obtain the date and time of the meeting at which the Commission will consider these regulations, contact the Commission at (717) 783-5417 or visit its website: [www.irrc.state.pa.us](http://www.irrc.state.pa.us). To obtain a copy of a regulation, contact the promulgating agency.

<i>Final-Form</i>		
<i>Reg. No.</i>	<i>Agency/Title</i>	<i>Received</i>
16A-659	State Board of Physical Therapy General Provisions	6/17/04
7-376	Environmental Quality Board Coal Mining	6/18/04
16A-569	State Real Estate Commission Deletion of Examination Fees	6/22/04
16A-4612	State Board of Dentistry Expanded Function Dental Assistants	6/22/04

<i>Final-Form</i>		
<i>Reg. No.</i>	<i>Agency/Title</i>	<i>Received</i>
16A-4914	State Board of Medicine Continuing Medical Education	6/22/04
	JOHN R. MCGINLEY, Jr., <i>Chairperson</i>	

[Pa.B. Doc. No. 04-1210. Filed for public inspection July 2, 2004, 9:00 a.m.]

## INSURANCE DEPARTMENT

### Farmers New Century Insurance Company; Pennsylvania Private Passenger Automobile; Rate Filing

On June 18, 2004, the Insurance Department (Department) received from Farmers New Century Insurance Company a filing for a rate level change for private passenger automobile insurance.

The company requests an overall 9.9% increase amounting to \$7.922 million annually, to be effective November 1, 2004.

Unless formal administrative action is taken prior to August 17, 2004, the subject filing may be deemed approved by operation of law.

The filing is available for review on the Department's website: [www.ins.state.pa.us](http://www.ins.state.pa.us). To access the filing, under "Quick Links" click on "Rate filings published in the PA Bulletin."

Copies of the filing are also available for public inspection, by appointment, during normal working hours at the Department's regional offices in Harrisburg, Philadelphia and Pittsburgh.

Interested parties are invited to submit written comments, suggestions or objections to Michael W. Burkett, Insurance Department, Insurance Product Regulation and Market Enforcement, Room 1311, Strawberry Square, Harrisburg, PA 17120, [mburkett@state.pa.us](mailto:mburkett@state.pa.us) within 30 days after publication of this notice in the *Pennsylvania Bulletin*.

M. DIANE KOKEN,  
*Insurance Commissioner*

[Pa.B. Doc. No. 04-1211. Filed for public inspection July 2, 2004, 9:00 a.m.]

### HealthGuard of Lancaster; Commercial Insured Plans; Rate Filing

On June 21, 2004, HealthGuard submitted filing no. 200409, a base rate filing for the medical and pharmacy plans, requesting a rate increase of 22.5% for Base HMO and POS programs and 18.1% for prescription drug products. The filing will affect 56,500 members in medical plans and 40,500 in prescription drug plans. The annualized additional revenue from the proposed rate increase is approximately \$40.9 million. The proposed changes will apply to client notification dates on or after September 1, 2004.

A copy of the filing is available on the Insurance Department's (Department) website: [www.ins.state.pa.us](http://www.ins.state.pa.us).

To access the filing, select "Consumer Information" on the left side. Under "General Information," click on "Notices." The pdf copy is at the "Filing.pdf" link following the name of the filing.

Copies of the filing are available for public inspection during normal working hours, by appointment, at the Insurance Department's regional office in Harrisburg.

Interested parties are invited to submit written comments, suggestions or objections to Rashmi Mathur, Actuary, Bureau of Accident and Health Insurance, Insurance Department, 1311 Strawberry Square, Harrisburg, PA 17120 within 30 days after publication of this notice in the *Pennsylvania Bulletin*.

M. DIANE KOKEN,  
*Insurance Commissioner*

[Pa.B. Doc. No. 04-1212. Filed for public inspection July 2, 2004, 9:00 a.m.]

### State Farm Fire and Casualty Company; Homeowners Program; Rate Filing

On June 21, 2004, the Insurance Department (Department) received from State Farm Fire and Casualty Company a filing for a rate revision for homeowners insurance.

The company requests an overall 1.4% increase amounting to \$4.883 million annually, to be effective November 15, 2004, for new business and January 15, 2005, for renewal business.

Unless formal administrative action is taken prior to August 20, 2004, the subject filing may be deemed approved by operation of law.

A copy of the filing is available for review on the Department's website: [www.ins.state.pa.us](http://www.ins.state.pa.us). To access the filing, under "Quick Links" click on "Rate filings published in the PA Bulletin."

Copies of the filing are also available for public inspection, by appointment, during normal working hours at the Department's regional offices in Harrisburg, Philadelphia and Pittsburgh.

Interested parties are invited to submit written comments, suggestions or objections to Xiaofeng Lu, Insurance Department, Insurance Product Regulation and Market Enforcement, Room 1311, Strawberry Square, Harrisburg, PA 17120, [xlu@state.pa.us](mailto:xlu@state.pa.us) within 30 days after publication of this notice in the *Pennsylvania Bulletin*.

M. DIANE KOKEN,  
*Insurance Commissioner*

[Pa.B. Doc. No. 04-1213. Filed for public inspection July 2, 2004, 9:00 a.m.]

## MILK MARKETING BOARD

### Hearing and Presubmission Schedule for All Milk Marketing Areas; Over-Order Premium

Under the Milk Marketing Law (31 P. S. §§ 700j-101—700j-1302), the Milk Marketing Board (Board) will conduct a public hearing for Milk Marketing Areas 1—6 on

September 1, 2004, at 9 a.m. in Room 202, Agriculture Building, 2301 North Cameron Street, Harrisburg, PA.

The purpose of the hearing is to receive testimony and exhibits concerning the continuation of the Class I over-order premium that is scheduled to expire on September 30, 2004, and whether an adjustment should be made to the level of the over-order premium.

The staff of the Board is deemed to be a party to this hearing and the attorney representing staff is deemed to have entered an appearance. Other persons who wish to present evidence may be included on the Board's list of parties by: (1) having their attorney file with the Board on or before 4 p.m. on August 6, 2004, a notice of appearance substantially in the form prescribed by 1 Pa. Code § 31.25 (relating to form of notice of appearance); or (2) if unrepresented by counsel, filing with the Board on or before 4 p.m. on August 6, 2004, notification of their desire to be included as a party.

The parties shall observe the following requirements for advance filing of witness information and exhibits. The Board may exclude witnesses or exhibits of a party that fails to comply with these requirements. In addition, the parties shall have available in the hearing room at least 20 additional copies made available for the use of nonparties attending the hearing.

1. By 4 p.m. on August 13, 2004, each party shall file with the Board seven copies and ensure receipt by all other parties of one copy of:

a. A list of witnesses who will testify for the party, along with a statement of the subjects concerning which each witness will testify. A witness who will be offered as an expert shall be so identified, along with the witness's area or areas of proposed expertise.

b. Each exhibit to be presented, including testimony to be offered in written form.

2. By 4 p.m. on August 27, 2004, each party shall file and serve as set forth in paragraph 1 information concerning rebuttal witnesses and copies of rebuttal exhibits.

Parties that wish to offer in evidence documents on file with the Board, public documents or records in other proceedings before the Board or who wish the Board to take official notice of facts, shall comply with, respectively, 1 Pa. Code § 35.164, § 35.165, § 35.167 or § 35.173. Whenever these rules require production of a document as an exhibit, copies shall be provided to each Board member and to all other parties; in addition, at least 20 copies shall be available for distribution to nonparties attending the hearing.

Requests by parties for Board staff to provide data pertinent to the hearing shall be made in writing and received in the Board office by 4 p.m. on August 6, 2004.

The filing address for the Board is Milk Marketing Board, Room 110, Agriculture Building, 2301 North Cameron Street, Harrisburg, PA 17110. Individuals who require this information in an alternate format should call (717) 787-4194 or (800) 654-5984 (Pennsylvania Relay Service for TDD users).

KEITH BIERLY,  
*Secretary*

[Pa.B. Doc. No. 04-1214. Filed for public inspection July 2, 2004, 9:00 a.m.]

## Hearing and Presubmission Schedule for Milk Marketing Area No. 2

Under the Milk Marketing Law (31 P. S. §§ 700j-101—700j-1302), the Milk Marketing Board (Board) will conduct a public hearing for Milk Marketing Area No. 2 on August 4, 2004, at 9 a.m. in Room 202, Agriculture Building, 2301 North Cameron Street, Harrisburg, PA.

The purpose of the hearing is to receive testimony and exhibits concerning cost replacement in Milk Marketing Area No. 2. Evidence will be limited to the following: annualized processing, packaging and delivery costs; updated costs for containers, ingredients and Class II products; updated labor, utility and insurance costs based on comparisons between costs per point for the first quarters of calendar years 2003 and 2004; consideration of skim and butterfat contents of products regulated by the Board; adjustment for shrinkage, sales of bulk products and cream processing costs; container adjustments; calculation of the value of the butterfat in Class II products; in-store handling costs; and a reasonable rate of return to milk dealers and stores. Evidence shall be based on the audited costs of a cross-section of milk dealers and stores doing business in Milk Marketing Area No. 2. Cost information for containers, ingredients and Class II products shall be based on April 2004 data.

The staff of the Board is deemed to be a party to this hearing, and the attorney representing staff is deemed to have entered an appearance. Other persons that may be affected by the Board order fixing prices in Milk Marketing Area No. 2 may be included on the Board's list of parties by:

1. Having their counsel file with the Board, by 4 p.m. on July 9, 2004, a notice of appearance substantially in the form prescribed by 1 Pa. Code § 31.25 (relating to form of notice of appearance), which shall identify by name and address the party on whose behalf the appearance is made. Thereafter, documents and other written communications required to be served upon or furnished to that party shall be sent to the attorney of record.

2. If unrepresented by counsel and wishing to appear on their own behalf under 1 Pa. Code § 31.21 (relating to appearance in person), filing with the Board, by 4 p.m. on July 9, 2004, an address to which documents and other written communications required to be served upon them or furnished to them may be sent.

The parties shall observe the following requirements for advance filing of witness information and exhibits. The Board may exclude witnesses or exhibits of a party that fails to comply with these requirements. In addition, the parties shall have available in the hearing room at least 20 copies of each document for the use of nonparties attending the hearing.

1. By 4 p.m. on July 16, 2004, each party shall file with the Board six copies and serve on all other parties one copy of:

a. A list of witnesses who will testify for the party, along with a statement of the subjects concerning which each witness will testify. A witness offered as an expert shall be so identified, along with the witness's area or areas of proposed expertise.

b. Each exhibit to be presented, including testimony to be offered in written form.

2. By 4 p.m. on July 30, 2004, each party shall file and serve as set forth in paragraph 1 information concerning rebuttal witnesses and copies of rebuttal exhibits.

Parties that wish to offer in evidence documents on file with the Board, public documents or records in other proceedings before the Board or who wish the Board to take official notice of facts, shall comply with, respectively, 1 Pa. Code § 35.164, § 35.165, § 35.167 or § 35.173. Whenever these rules require production of a document as an exhibit, copies shall be provided to each Board member and to all other parties; in addition, at least 20 copies shall be available for distribution to nonparties attending the hearing.

Requests by parties for Board staff to provide data pertinent to the hearing shall be made in writing and received in the Board office by 4 p.m. on July 9, 2004.

The filing address for the Board is Milk Marketing Board, Room 110, Agriculture Building, 2301 North Cameron Street, Harrisburg, PA 17110. Individuals who require this information in an alternate format should call (717) 787-4194 or (800) 654-5984 (Pennsylvania Relay Service for TDD users).

KEITH BIERLY,  
*Secretary*

[Pa.B. Doc. No. 04-1215. Filed for public inspection July 2, 2004, 9:00 a.m.]

### Hearing and Presubmission Schedule for Milk Marketing Area No. 3

Under the Milk Marketing Law (31 P. S. §§ 700j-101—700j-1302), the Milk Marketing Board (Board) will conduct a public hearing for Milk Marketing Area No. 3 on August 4, 2004, at 11 a.m. in Room 202, Agriculture Building, 2301 North Cameron Street, Harrisburg, PA.

The purpose of the hearing is to receive testimony and exhibits concerning cost replacement in Milk Marketing Area No. 3. Evidence will be limited to the following: annualized processing, packaging and delivery costs; updated costs for containers, ingredients and Class II products; updated labor, utility and insurance costs based on comparisons between costs per point for the first quarters of calendar years 2003 and 2004; consideration of skim and butterfat contents of products regulated by the Board; adjustment for shrinkage, sales of bulk products and cream processing costs; calculation of the value of the butterfat in Class II products; in-store handling costs; and a reasonable rate of return to milk dealers and stores. Evidence shall be based on the audited costs of a cross-section of milk dealers and stores doing business in Milk Marketing Area No. 3. Cost information for containers, ingredients and Class II products shall be based on April 2004 data.

The staff of the Board is deemed to be a party to this hearing, and the attorney representing staff is deemed to have entered an appearance. Other persons that may be affected by the Board order fixing prices in Milk Marketing Area No. 3 may be included on the Board's list of parties by:

1. Having their counsel file with the Board, by 4 p.m. on July 9, 2004, a notice of appearance substantially in the form prescribed by 1 Pa. Code § 31.25 (relating to form of notice of appearance), which shall identify by name and address the party on whose behalf the appearance is made. Thereafter, documents and other written communications required to be served upon or furnished to that party shall be sent to the attorney of record.

2. If unrepresented by counsel and wishing to appear on their own behalf under 1 Pa. Code § 31.21 (relating to appearance in person), filing with the Board, by 4 p.m. on July 9, 2004, an address to which documents and other written communications required to be served upon them or furnished to them may be sent.

The parties shall observe the following requirements for advance filing of witness information and exhibits. The Board may exclude witnesses or exhibits of a party that fails to comply with these requirements. In addition, the parties shall have available in the hearing room at least 20 copies of each document for the use of nonparties attending the hearing.

1. By 4 p.m. on July 16, 2004, each party shall file with the Board six copies and serve on all other parties one copy of:

a. A list of witnesses who will testify for the party, along with a statement of the subjects concerning which each witness will testify. A witness offered as an expert shall be so identified, along with the witness's area or areas of proposed expertise.

b. Each exhibit to be presented, including testimony to be offered in written form.

2. By 4 p.m. on July 30, 2004, each party shall file and serve as set forth in paragraph 1 information concerning rebuttal witnesses and copies of rebuttal exhibits.

Parties that wish to offer in evidence documents on file with the Board, public documents or records in other proceedings before the Board or who wish the Board to take official notice of facts, shall comply with, respectively, 1 Pa. Code § 35.164, § 35.165, § 35.167 or § 35.173. Whenever these rules require production of a document as an exhibit, copies shall be provided to each Board member and to all other parties; in addition, at least 20 copies shall be available for distribution to nonparties attending the hearing.

Requests by parties for Board staff to provide data pertinent to the hearing shall be made in writing and received in the Board office by 4 p.m. on July 9, 2004.

The filing address for the Board is Milk Marketing Board, Room 110, Agriculture Building, 2301 North Cameron Street, Harrisburg, PA 17110. Individuals who require this information in an alternate format should call (717) 787-4194 or (800) 654-5984 (Pennsylvania Relay Service for TDD users).

KEITH BIERLY,  
*Secretary*

[Pa.B. Doc. No. 04-1216. Filed for public inspection July 2, 2004, 9:00 a.m.]

### Hearing and Presubmission Schedule for Milk Marketing Area No. 4

Under the Milk Marketing Law (31 P. S. §§ 700j-101—700j-1302), the Milk Marketing Board (Board) will conduct a public hearing for Milk Marketing Area No. 4 on August 4, 2004, at 1:30 p.m. in Room 202, Agriculture Building, 2301 North Cameron Street, Harrisburg, PA.

The purpose of the hearing is to receive testimony and exhibits concerning cost replacement in Milk Marketing Area No. 4. Evidence will be limited to the following: annualized processing, packaging and delivery costs; updated costs for containers, ingredients and Class II

products; updated labor, utility and insurance costs based on comparisons between costs per point for the first quarters of calendar years 2003 and 2004; consideration of skim and butterfat contents of products regulated by the Board; adjustment for shrinkage, sales of bulk products and cream processing costs; calculation of the value of the butterfat in Class II products; in-store handling costs; and a reasonable rate of return to milk dealers and stores. Evidence shall be based on the audited costs of a cross-section of milk dealers and stores doing business in Milk Marketing Area No. 4. Cost information for containers, ingredients and Class II products shall be based on April 2004 data.

The staff of the Board is deemed to be a party to this hearing, and the attorney representing staff is deemed to have entered an appearance. Other persons that may be affected by the Board order fixing prices in Milk Marketing Area No. 4 may be included on the Board's list of parties by:

1. Having their counsel file with the Board, by 4 p.m. on July 9, 2004, a notice of appearance substantially in the form prescribed by 1 Pa. Code § 31.25 (relating to form of notice of appearance), which shall identify by name and address the party on whose behalf the appearance is made. Thereafter, documents and other written communications required to be served upon or furnished to that party shall be sent to the attorney of record.

2. If unrepresented by counsel and wishing to appear on their own behalf under 1 Pa. Code § 31.21 (relating to appearance in person), filing with the Board, by 4 p.m. on July 9, 2004, an address to which documents and other written communications required to be served upon them or furnished to them may be sent.

The parties shall observe the following requirements for advance filing of witness information and exhibits. The Board may exclude witnesses or exhibits of a party that fails to comply with these requirements. In addition, the parties shall have available in the hearing room at least 20 copies of each document for the use of nonparties attending the hearing.

1. By 4 p.m. on July 16, 2004, each party shall file with the Board seven copies and serve on all other parties one copy of:

a. A list of witnesses who will testify for the party, along with a statement of the subjects concerning which each witness will testify. A witness offered as an expert shall be so identified, along with the witness's area or areas of proposed expertise.

b. Each exhibit to be presented, including testimony to be offered in written form.

2. By 4 p.m. on July 30, 2004, each party shall file and serve as set forth in paragraph 1 information concerning rebuttal witnesses and copies of rebuttal exhibits.

Parties that wish to offer in evidence documents on file with the Board, public documents or records in other proceedings before the Board or who wish the Board to take official notice of facts, shall comply with, respectively, 1 Pa. Code § 35.164, § 35.165, § 35.167 or § 35.173. Whenever these rules require production of a document as an exhibit, copies shall be provided to each Board member and to all other parties; in addition, at least 20 copies shall be available for distribution to nonparties attending the hearing.

Requests by parties for Board staff to provide data pertinent to the hearing shall be made in writing and received in the Board office by 4 p.m. on July 9, 2004.

The filing address for the Board is Milk Marketing Board, Room 110, Agriculture Building, 2301 North Cameron Street, Harrisburg, PA 17110. Individuals who require this information in an alternate format should call (717) 787-4194 or (800) 654-5984 (Pennsylvania Relay Service for TDD users).

KEITH BIERLY,  
*Secretary*

[Pa.B. Doc. No. 04-1217. Filed for public inspection July 2, 2004, 9:00 a.m.]

## PENNSYLVANIA PUBLIC UTILITY COMMISSION

### Railroad With Hearing

**A-00119708. Norfolk Southern Railway Company.** Application of Norfolk Southern Railway Company for the replacement of bridge LG-3.25 (DOT 592 203M), carrying two tracks of railroad over Carlisle Road SR 2018 (Carlisle Road), located in Lower Allen Township, Cumberland County.

An initial hearing on this matter will be held on Thursday, August 19, 2004, in an available hearing room, Ground Floor, North Office Building, North Street and Commonwealth Avenue, Harrisburg, PA, when and where all persons in interest may appear and be heard, if they so desire.

JAMES J. MCNULTY,  
*Secretary*

[Pa.B. Doc. No. 04-1218. Filed for public inspection July 2, 2004, 9:00 a.m.]

### Service of Notice of Motor Carrier Applications

The following temporary authority and/or permanent authority applications for the right to render service as a common carrier or contract carrier in this Commonwealth have been filed with the Pennsylvania Public Utility Commission. Formal protests and petitions to intervene must be filed in accordance with 52 Pa. Code (relating to public utilities). A protest shall indicate whether it applies to the temporary authority application, the permanent authority application, or both. Filings must be made with the Secretary, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265 with a copy served on the applicant, on or before July 26, 2004. Documents filed in support of the applications are available for inspection and copying at the Office of the Secretary between 8 a.m. and 4:30 p.m., Monday through Friday, and at the business address of the respective applicant.

**Applications of the following for approval to begin operating as common carriers for transportation of persons as described under each application.**

**A-00120840. Poconos Yellow Cab Services, LLC** (502 Blue Mountain Lake, East Stroudsburg, Monroe County, PA 18301), a limited liability company of the Commonwealth—persons, upon call or demand, in the Boroughs of East Stroudsburg, Stroudsburg, Delaware



Water Gap and Mt. Pocono and the Townships of Stroud, Smithfield, Middle Smithfield, Tobyhanna, Coolbaugh, Pocono and Paradise, Monroe County.

**A-00120841. Bellefonte Emergency Medical Services** (369 Phoenix Avenue, Bellefonte, Centre County, PA 16823), a corporation of the Commonwealth—persons, in paratransit service, between points in the County of Centre, and from points in said county, to points in Pennsylvania, and vice versa.

**A-00120837. Wayne A. Williams t/d/b/a Elk County Taxi Service** (P. O. Box 712, St. Marys, Elk County, PA 15857-0712)—persons, upon call or demand, in the County of Elk.

**A-00120844. Diamond "S" Cab LLC** (249 Deerfield Road, Camp Hill, Cumberland County, PA 17011), a limited liability company of the Commonwealth—persons, upon call or demand, in the Counties of Cumberland, Dauphin and York. *Attorney:* Lillian S. Harris, 100 North Tenth Street, Harrisburg, PA 17101.

**A-00120451 (Corrected). Peter D. Sauder** (1415 Pinkerton Road, Mt. Joy, Lancaster County, PA 17552-8412)—persons paratransit service, between points in the Borough of Mt. Joy, Lancaster County, and within an airline distance of 10 statute miles of the limits thereof, and from points in said area, to points in Pennsylvania, and return, limited to the transportation of persons whose personal convictions prevent them from owning or operating motor vehicles.

**A-00120843. Michael R. and Insur Napolitan, Co-partners, t/d/b/a Taxi South** (P. O. Box 891, Bethel Park, Allegheny County, PA 15102)—persons, upon call or demand, in the Boroughs of Bethel Park and Castle Shannon and the Townships of Upper St. Clair and Mt. Lebanon, Allegheny County.

**A-00120846. Hesham A. Mekled** (900 South 17th Street, Harrisburg, Dauphin County, PA 17104)—persons, upon call or demand, in the Counties of Dauphin and Cumberland.

**A-00120847. Joseph K. and Sharon L. Williams, Tenants by Entirety** (30 London Vale Road, Gordonville, Lancaster County, PA 17529)—persons in paratransit service, limited to persons whose personal convictions prevent them from owning or operating motor vehicles, between points in the County of Lancaster, and from points in said county, to points in Pennsylvania, and return.

**A-00120848. Randolph Nunez** (P. O. Box 5802, Harrisburg, Dauphin County, PA 17110)—persons, upon call or demand, in the Counties of Dauphin, York and Cumberland.

**Applications of the following for approval of the beginning of the exercise of the right and privilege of operating motor vehicles as common carriers for the transportation of persons by transfer of rights as described under each application.**

**A-00111409, Folder 5. CWG Holdings, Inc. t/d/b/a Luxury Limousine Service** (200 Ridgewood Road, Wilkes-Barre, Luzerne County, PA 18702), a corporation of the Commonwealth—persons in group and party service, in vehicles with a seating capacity of 11 to 15 passengers, including the driver, between points in the Counties of Luzerne, Lackawanna, Pike, Wayne, Susquehanna, Monroe, Wyoming and Carbon, limited to luxury executive vehicles equipped with a color TV, VCR, stereo and bar, which is to be a transfer of the rights authorized under the certificate issued at A-00113974 to

Luxury Limo Services, Inc. t/d/b/a Luxury Limousine Service, subject to the same limitations and conditions.

**A-00120842. A to Z Limousine Service, Inc.** (45 Annamarie Drive, Yardley, Bucks County, PA 19067), a corporation of the Commonwealth—persons, in limousine service, between points in Pennsylvania, which is to be a transfer of all the rights authorized under the certificate issued at A-00110764 to Private Coach, Inc., subject to the same limitations and conditions. *Attorney:* Jeffrey G. DiAmico, 403 Executive Drive, Langhorne, PA 19047.

**Application of the following for approval of the additional right and privilege of operating motor vehicles as common carriers for transportation of persons as described under the application.**

**A-00118809, Folder 4. Carol J. Ahmed** (2526 Shingletown Road, State College, Center County, PA 16801)—persons in paratransit service, between points in the County of Centre, and from points in said county, to points in Pennsylvania, and return.

**Application of the following for amendment to the certificate of public convenience approval of the right and privilege to discontinue/abandon operating as common carriers by motor vehicle and for cancellation of the certificate of public convenience as described under the application.**

**A-00112763, Folder 3, Am-D. Eastern Medical Ambulance, Inc.** (523 E. Market Street, Warren, Trumbull County, OH 44481), a corporation of the Commonwealth—discontinuance of service—persons, in paratransit service: (1) between points in the County of Crawford; (2) between points in the County of Mercer, and from points in the said county, to points in Pennsylvania, and return; (3) between points in the County of Venango, and from points in the Counties of Crawford and Venango, to points in Pennsylvania, and return; and (4) in vehicles not to exceed a seating capacity of 26 passengers, excluding the driver, between points in Lawrence County, and from points in said county, to points in Pennsylvania, and return.

JAMES J. MCNULTY,  
*Secretary*

[Pa.B. Doc. No. 04-1219. Filed for public inspection July 2, 2004, 9:00 a.m.]

## Telecommunications

**A-310651F7003. Commonwealth Telephone Company and Service Electric Telephone Company, LLC.** Joint petition of Commonwealth Telephone Company and Service Electric Telephone Company, LLC for approval of a negotiated interconnection agreement under section 252(e) of the Telecommunications Act of 1996.

Commonwealth Telephone Company and Service Electric Telephone Company, LLC, by its counsel, filed on June 18, 2004, at the Pennsylvania Public Utility Commission (Commission), a joint petition for approval of a negotiated interconnection agreement under sections 251 and 252 of the Telecommunications Act of 1996.

Interested parties may file comments concerning the petition and agreement with the Secretary, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265. Comments are due on or before 10 days after the date of publication of this notice. Copies of the Commonwealth Telephone Company and Service Electric

Telephone Company, LLC joint petition are on file with the Commission and are available for public inspection.

The contact person is Cheryl Walker Davis, Director, Office of Special Assistants, (717) 787-1827.

JAMES J. MCNULTY,  
*Secretary*

[Pa.B. Doc. No. 04-1220. Filed for public inspection July 2, 2004, 9:00 a.m.]

### Telecommunications

**A-310593F7002. The United Telephone Company of Pennsylvania d/b/a Sprint and 1-800-RECONEX d/b/a U. S. Tel.** Joint petition of The United Telephone Company of Pennsylvania d/b/a Sprint and 1-800-RECONEX d/b/a U. S. Tel for approval of an interconnection, collocation and resale agreement under section 252(e) of the Telecommunications Act of 1996.

The United Telephone Company of Pennsylvania d/b/a Sprint and 1-800-RECONEX d/b/a U. S. Tel, by its counsel, filed on June 15, 2004, at the Pennsylvania Public Utility Commission (Commission), a joint petition for approval of an interconnection, collocation and resale agreement under sections 251 and 252 of the Telecommunications Act of 1996.

Interested parties may file comments concerning the petition and agreement with the Secretary, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265. Comments are due on or before 10 days after the date of publication of this notice. Copies of the The United Telephone Company of Pennsylvania d/b/a Sprint and 1-800-RECONEX d/b/a U. S. Tel joint petition are on file with the Commission and are available for public inspection.

The contact person is Cheryl Walker Davis, Director, Office of Special Assistants, (717) 787-1827.

JAMES J. MCNULTY,  
*Secretary*

[Pa.B. Doc. No. 04-1221. Filed for public inspection July 2, 2004, 9:00 a.m.]

### Telecommunications

**A-311201F7001. Verizon North Inc. and Econodial, LLC.** Joint petition of Verizon North Inc. and Econodial, LLC for approval of adoption of an interconnection agreement under section 252(i) of the Telecommunications Act of 1996.

Verizon North Inc. and Econodial, LLC, by its counsel, filed on June 18, 2004, at the Pennsylvania Public Utility Commission (Commission), a joint petition for approval of adoption of an interconnection agreement under sections 251 and 252 of the Telecommunications Act of 1996.

Interested parties may file comments concerning the petition and agreement with the Secretary, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265. Comments are due on or before 10 days after the date of publication of this notice. Copies of the Verizon North Inc. and Econodial, LLC joint petition are on file with the Commission and are available for public inspection.

The contact person is Cheryl Walker Davis, Director, Office of Special Assistants, (717) 787-1827.

JAMES J. MCNULTY,  
*Secretary*

[Pa.B. Doc. No. 04-1222. Filed for public inspection July 2, 2004, 9:00 a.m.]

### Telecommunications

**A-310489F7000. Verizon Pennsylvania Inc. and Cellco Partnership, Pittsburgh SMSA Limited Partnership, Pennsylvania RSA No. 6(II) Limited Partnership and Allentown SMSA Limited Partnership, collectively d/b/a Verizon Wireless (collectively f/k/a Cellco Partnership d/b/a Bell Atlantic NYNEX Mobile).** Joint petition of Verizon Pennsylvania Inc. and Cellco Partnership, Pittsburgh SMSA Limited Partnership, Pennsylvania RSA No. 6(II) Limited Partnership and Allentown SMSA Limited Partnership, collectively d/b/a Verizon Wireless (collectively f/k/a Cellco Partnership d/b/a Bell Atlantic NYNEX Mobile) for approval of amendment no. 3 to an interconnection agreement under section 252(e) of the Telecommunications Act of 1996.

Verizon Pennsylvania Inc. and Cellco Partnership, Pittsburgh SMSA Limited Partnership, Pennsylvania RSA No. 6(II) Limited Partnership and Allentown SMSA Limited Partnership, collectively d/b/a Verizon Wireless (collectively f/k/a Cellco Partnership d/b/a Bell Atlantic NYNEX Mobile), by its counsel, filed on May 27, 2004, at the Pennsylvania Public Utility Commission (Commission), a joint petition for approval of amendment no. 3 to an interconnection agreement under sections 251 and 252 of the Telecommunications Act of 1996.

Interested parties may file comments concerning the petition and agreement with the Secretary, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265. Comments are due on or before 10 days after the date of publication of this notice. Copies of the Verizon Pennsylvania Inc. and Cellco Partnership, Pittsburgh SMSA Limited Partnership, Pennsylvania RSA No. 6(II) Limited Partnership and Allentown SMSA Limited Partnership, collectively d/b/a Verizon Wireless (collectively f/k/a Cellco Partnership d/b/a Bell Atlantic NYNEX Mobile) joint petition are on file with the Commission and are available for public inspection.

The contact person is Cheryl Walker Davis, Director, Office of Special Assistants, (717) 787-1827.

JAMES J. MCNULTY,  
*Secretary*

[Pa.B. Doc. No. 04-1223. Filed for public inspection July 2, 2004, 9:00 a.m.]

### Telecommunications

**A-311201F7000. Verizon Pennsylvania Inc. and Econodial, LLC.** Joint petition of Verizon Pennsylvania Inc. and Econodial, LLC for approval of adoption of an interconnection agreement under section 252(i) of the Telecommunications Act of 1996.

Verizon Pennsylvania Inc. and Econodial, LLC, by its counsel, filed on June 18, 2004, at the Pennsylvania Public Utility Commission (Commission), a joint petition

for approval of adoption of an interconnection agreement under sections 251 and 252 of the Telecommunications Act of 1996.

Interested parties may file comments concerning the petition and agreement with the Secretary, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265. Comments are due on or before 10 days after the date of publication of this notice. Copies of the Verizon Pennsylvania Inc. and Econodial, LLC joint petition are on file with the Commission and are available for public inspection.

The contact person is Cheryl Walker Davis, Director, Office of Special Assistants, (717) 787-1827.

JAMES J. MCNULTY,  
*Secretary*

[Pa.B. Doc. No. 04-1224. Filed for public inspection July 2, 2004, 9:00 a.m.]

### Water Service

**A-212285F0116. Pennsylvania American Water Company.** Application of Pennsylvania American Water Company for approval of the right to offer, render, furnish or supply water service to the public in portions of Conewago Township, Dauphin County.

Formal protests and petitions to intervene must be filed in accordance with 52 Pa. Code (relating to public utilities). Filings must be made with the Secretary, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265, with a copy served on the applicant, on or before July 19, 2004. The documents filed in support of the application are available for inspection and copying at the Office of the Secretary between 8 a.m. and 4:30 p.m., Monday through Friday, and at the applicant's business address.

*Applicant:* Pennsylvania American Water Company

*Through and By Counsel:* Velma A. Redmond, Esquire, Susan Simms Marsh, Esquire, 800 West Hersheypark Drive, Hershey, PA 17033.

JAMES J. MCNULTY,  
*Secretary*

[Pa.B. Doc. No. 04-1225. Filed for public inspection July 2, 2004, 9:00 a.m.]

## PHILADELPHIA REGIONAL PORT AUTHORITY

### Request for Bids

The Philadelphia Regional Port Authority (PRPA) will accept sealed bids for Project # 03-177.1, Building and Wall Repairs at Pier 78 South Annex, until 2 p.m. on Tuesday, July 20, 2004. The bid documents can be obtained from the Director of Procurement, PRPA, 3460 N. Delaware Ave., 2nd Floor, Philadelphia, PA 19134, (215) 426-2600 and will be available July 7, 2004. The cost of the bid document is \$35 (includes 7% Pennsylvania sales tax). The cost is nonrefundable. PRPA is an

equal opportunity employer. Contractors must comply with all applicable equal opportunity laws and regulations.

A mandatory prebid job site meeting will be held on Tuesday, July 13, 2004, at 10 a.m. at the Pier 78 South Annex Building, Columbus Blvd. and Snyder Ave., Philadelphia, PA.

JAMES T. MCDERMOTT, Jr.,  
*Executive Director*

[Pa.B. Doc. No. 04-1226. Filed for public inspection July 2, 2004, 9:00 a.m.]

### Request for Bids

The Philadelphia Regional Port Authority (PRPA) will accept sealed bids for Project # 04-082.6, Replace Dry Pipe Valves, Packer Avenue Marine Terminal (PAMT), until 2 p.m. on Thursday, July 22, 2004. The bid documents can be obtained from the Director of Procurement, PRPA, 3460 N. Delaware Ave., 2nd Floor, Philadelphia, PA 19134, (215) 426-2600 and will be available July 7, 2004. Additional information and project listings can be found at [www.philaport.com](http://www.philaport.com). The cost of the bid document is \$35 (includes 7% Pennsylvania sales tax). The cost is nonrefundable. PRPA is an equal opportunity employer. Contractors must comply with all applicable equal opportunity laws and regulations.

A mandatory prebid job site meeting will be held on July 15, 2004, at 11 a.m. at the South Guard House (PAMT Service Road), 3201 S. Columbus Blvd., Philadelphia, PA 19148.

JAMES T. MCDERMOTT, Jr.,  
*Executive Director*

[Pa.B. Doc. No. 04-1227. Filed for public inspection July 2, 2004, 9:00 a.m.]

### Request for Proposals

The Philadelphia Regional Port Authority (PRPA) will accept sealed proposals for Project # 03-230.S, Wetlands Mitigation Analysis and Feasibility Study, until 4:30 p.m. on Thursday, July 29, 2004. The proposal documents can be obtained from the Director of Procurement, PRPA, 3460 N. Delaware Ave., 2nd Floor, Philadelphia, PA 19134, (215) 426-2600 and will be available on July 13, 2004. Additional information and project listings can be found at [www.philaport.com](http://www.philaport.com). The cost of the proposal document is \$35 (includes 7% Pennsylvania sales tax). The cost is nonrefundable. PRPA is an equal opportunity employer. Contractors must comply with all applicable equal opportunity laws and regulations.

A mandatory pre-proposal meeting will be held on July 22, 2004, at 10 a.m. in PRPA's office, 3460 N. Delaware Ave., 2nd Floor, Philadelphia, PA 19134.

JAMES T. MCDERMOTT, Jr.,  
*Executive Director*

[Pa.B. Doc. No. 04-1228. Filed for public inspection July 2, 2004, 9:00 a.m.]

## STATE BOARD OF NURSING

**Bureau of Professional and Occupational Affairs v.  
Susan O'Leary Rossell, R.N.; Doc. No. 0768-  
51-02**

On April 28, 2004, Susan O'Leary Rossell, Pittsburgh, Allegheny County, had her professional nursing license indefinitely suspended for no less than 3 years, retroactive to June 24, 2002, based on findings she violated the terms and conditions of the Voluntary Recovery Program consent agreement and order. After no less than 2 years of active suspension, the respondent's suspension shall be stayed in favor of probation for 3 years.

Individuals can obtain a copy of the adjudication by writing to Teresa Lazo-Miller, Board Counsel, State Board of Nursing, P. O. Box 2649, Harrisburg, PA 17105-2649.

This adjudication and order represents the final State Board of Nursing (Board) decision in this matter. It may be appealed to the Commonwealth Court of Pennsylvania by the filing of a petition for review with that court in accordance with the Pennsylvania Rules of Appellate Procedure. Individuals who take an appeal to the Commonwealth Court must serve the Board with a copy of the petition for review. The Board contact for receiving service of appeals is the previously named Board counsel.

JANET HUNTER SHIELDS, MSN, CRNP, CS,  
*Chairperson*

[Pa.B. Doc. No. 04-1229. Filed for public inspection July 2, 2004, 9:00 a.m.]

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# STATE CONTRACTS INFORMATION

## DEPARTMENT OF GENERAL SERVICES

Act 266 of 1982 provides for the payment of interest penalties on certain invoices of "qualified small business concerns". The penalties apply to invoices for goods or services when payments are not made by the required payment date or within a 15 day grace period thereafter.

Act 1984-196 redefined a "qualified small business concern" as any independently owned and operated, for-profit business concern employing 100 or fewer employees. See 4 Pa. Code § 2.32. The business must include the following statement on every invoice submitted to the Commonwealth: "(name of business) is a qualified small business concern as defined in 4 Pa. Code 2.32."

A business is eligible for payments when the required payment is the latest of:

The payment date specified in the contract.

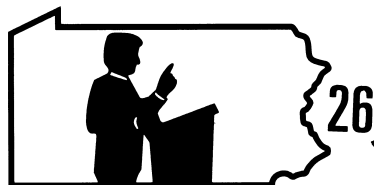
30 days after the later of the receipt of a proper invoice or receipt of goods or services.

The net payment date stated on the business' invoice.

A 15-day grace period after the required payment date is provided to the Commonwealth by the Act.

For more information: contact: Small Business Resource Center  
PA Department of Community and Economic Development  
374 Forum Building  
Harrisburg, PA 17120  
800-280-3801 or (717) 783-5700

### Reader's Guide



Legal Services & Consultation

① Service Code Identification Number

② Commodity/Supply or Contract Identification No.

**B-54137.** Consultant to provide three 2-day training sessions, covering the principles, concepts, and techniques of performance appraisal and standard setting with emphasis on performance and accountability, with a knowledge of State Government constraints.

Department: General Services  
Location: Harrisburg, Pa.  
Duration: 12/1/93-12/30/93  
Contact: Procurement Division 787-0000

③ Contract Information

④ Department

⑤ Location

⑥ Duration

⑦

(For Commodities: Contact:  
Vendor Services Section  
717-787-2199 or 717-787-4705

### REQUIRED DATA DESCRIPTIONS

- ① Service Code Identification Number: There are currently 39 state service and contractual codes. See description of legend.
- ② Commodity/Supply or Contract Identification No.: When given, number should be referenced when inquiring of contract of Purchase Requisition. If more than one number is given, each number represents an additional contract.
- ③ Contract Information: Additional information for bid preparation may be obtained through the departmental contracting official.
- ④ Department: State Department or Agency initiating request for advertisement.
- ⑤ Location: Area where contract performance will be executed.
- ⑥ Duration: Time estimate for performance and/or execution of contract.
- ⑦ Contact: (For services) State Department or Agency where vendor inquiries are to be made.

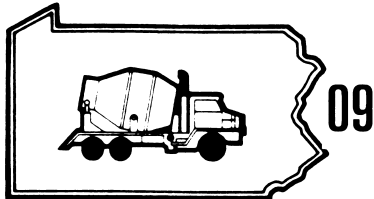
(For commodities) Vendor Services Section (717) 787-2199 or (717) 787-4705

## PA TREASURY BUSINESS OUTLET—PLUG INTO IT!

The Treasury Department's Bureau of Contracts and Public Records can help you do business with state government agencies. Our efforts focus on guiding the business community through the maze of state government offices. The bureau is, by law, the central repository for all state contracts over \$5,000. Services are free except the cost of photocopying contracts or dubbing a computer diskette with a list of current contracts on the database. A free brochure explains how to take advantage of available services.

Contact: **Bureau of Contracts and Public Records**  
 Pennsylvania State Treasury  
 Room 201 Finance Building  
 Harrisburg, PA 17120  
 717-787-4586  
 1-800-252-4700  
 BizOutlet@patreasury.org

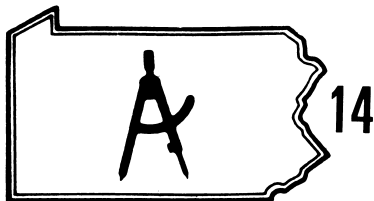
BARBARA HAFER,  
*State Treasurer*



### Construction & Construction Maintenance

**42-026249** This contract will provide the manpower, equipment, and incidental guide rail material for the installation of approximately 56,000 linear feet (combined) of strong post/weak post. All guiderail material will be supplied by the Department except for the bolts, nuts, washers, rotating brackets, connection plates, anchor bolts, concrete for the end treatments, and end anchorages. The Contractor will pick up and deliver the material to various worksites, while the Department shall be responsible for removing all existing guiderail and for grading of shoulder stabilizations, prior to the placement of the guiderail by the Contractor. A Mandatory pre-bid meeting (one day) will be held to include review of guiderail locations, and site(s) where the guiderail will be stored, will be determined. All requests for bid packages must be received by fax at (814) 274-9764 or by phone (814) 274-9181, Ext. 3008, ATTN: Karen C. Espenshade. \*\*\*All bidders must be prequalified to bid on this project. The Pennsylvania Prevailing Wage Act does apply.

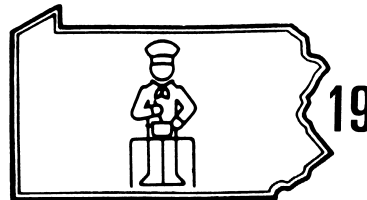
**Department:** Transportation  
**Location:** Various locations throughout Potter County.  
**Duration:** 1 year with 2 one-year renewals.  
**Contact:** Susan Hoy, County Manager, (814) 274-9181



### Engineering Services

**PGC-2816** Agency seeking an engineering firm to perform NBIS inspections of Commission-owned bridges located throughout the Commonwealth. The contract will include performing the initial first-time inspections, structural analysis and load rating determinations for a total of approximately 48 bridges over a two-year period. (Twenty-three (23) of the bridges are located in the eastern part of the state and will be inspected during the first year of the contract and the remaining twenty-five (25) are in the western portion of the state and will be inspected during the second year.)

**Department:** Game Commission  
**Location:** Pennsylvania Game Commission, Bureau of Land Management, 2001 Elmerton Avenue, Harrisburg, PA 17110-9797.  
 Contract will run two (2) years, expiring in 2006.  
**Duration:**  
**Contact:** Michael E. Stover, P.E. or Diane E. Shultz, (717) 787-9620 or 6594



### Food

**101** Eggs, fresh, Consumer Grade A, Medium must be candled inspected, Class I, brown and white, packed 30 dozen/case, 40 pound carton. USDA Certificate required, 1,500 dozen each Monday from July 01, 2004 to June 30, 2005. Bids will be sent out bi-monthly. Frozen eggs, pasteurized whole for scrambling, 6/5 lb. per case. Must be frozen when delivered and show no signs of previous defrosting. Certificate of Compliance must accompany each other. Bids will be sent out bi-monthly.

**Department:** Corrections  
**Location:** SCI-Pittsburgh, 3001 Beaver Avenue, Pittsburgh, PA 15233  
**Duration:** July 1, 2004 to June 30, 2005  
**Contact:** Nancy Keller, (412) 761-1955

**110** Items to be bid bi-monthly. All amounts are approximate for period July 1, 2004 to June 30, 2005. Onions, carrots, celery, lettuce, bananas, apples, oranges, grapefruit, pears, cabbage, nectarines, plums, and All related items. USDA Certificate Required.

**Department:** Corrections  
**Location:** SCI-Pittsburgh, 3001 Beaver Avenue, Pittsburgh, PA 15233  
**Duration:** July 1, 2004 to June 30, 2005  
**Contact:** Nancy Keller, (412) 761-1955

**104** All items to be bid bi-monthly, and all amounts are approximate for period July 1, 2004 to June 30, 2005. Pounds are approximate for 12-month period. 8,000 lbs. beef liver; 12,000 lbs. beef frankfurters; 9,600 lbs. skinless ham; 15,000 lbs. pork chops; 5,000 lbs. garlic bologna (all beef); 5,000 lbs. bologna (all beef); 15,000 lbs. beef sandwich steaks; 4,500 lbs. Braunsweiger; 4,000 lbs. chopped ham; 14,400 lbs. beef rib-B-Que and all related items.

**Department:** Corrections  
**Location:** SCI-Pittsburgh, 3001 Beaver Avenue, Pittsburgh, PA 15233  
**Duration:** July 1, 2004 to June 30, 2005  
**Contact:** Nancy Keller, (412) 761-1955, ext 378

**100** Items to be bid bi-monthly, all amounts are approximate for period July 1, 2004 to June 30, 2005, pounds are approximate for 12 month period. 8,000 lbs. crab cakes, 4 oz. portion, pre-cooked. Certificate of Compliance required. 1,200 lbs. chopped clams, and All related items. Certificate of Compliance required.

**Department:** Corrections  
**Location:** SCI-Pittsburgh, 3001 Beaver Avenue, Pittsburgh, PA 15233  
**Duration:** July 1, 2004 to June 30, 2005  
**Contact:** Nancy Keller, (412) 761-1955

**114** Item to be bid bi-monthly for period July 1, 2004 to June 30, 2005. Approximately 32,000 lbs. per month. Potatoes to be US #2, First Choice, 6 oz., minimum, if available, then 3 inch round, white, US #1 is acceptable. USDA Certificate required.

**Department:** Corrections  
**Location:** SCI-Pittsburgh, 3001 Beaver Avenue, Pittsburgh, PA 15233  
**Duration:** July 1, 2004 to June 30, 2005  
**Contact:** Nancy Keller, (412) 761-1955

**113** Items to be bid bi-monthly, all amounts are approximate for period July 1, 2004 to June 30, 2005. Broccoli, frozen, 18,000 lbs.; Brussel Sprouts, frozen, 9,000 lbs., cauliflower, frozen, 9,000 lbs. and all related items.

**Department:** Corrections  
**Location:** SCI-Pittsburgh, 3001 Beaver Avenue, Pittsburgh, PA 15233  
**Duration:** July 1, 2004 to June 30, 2005  
**Contact:** Nancy Keller, (412) 761-1955, ext 378

**108** Items to be bid bi-monthly, all amounts are approximate for period July 1, 2004 to June 30, 2005. Pounds are approximate for 12 month period. 46,000 lbs. chicken, ready to cook, Grade A, Type II, fresh frozen, Class I broilers or fryers, Style II, quartered, no livers, gizzards or necks. Weight range: 3 lb. per chicken. PA Spec C-94, effective 04/11/73. USDA Certificate required, and all related items.

**Department:** Corrections  
**Location:** SCI-Pittsburgh, 3001 Beaver Avenue, Pittsburgh, PA 15233  
**Duration:** July 1, 2004 to June 30, 2005  
**Contact:** Nancy Keller, (412) 761-1955

**116** Items to be bid bi-monthly, all amounts are approximate for period July 1, 2004 to June 30, 2005. 200 cases of 1-lb. oleomargarine, individually wrapped print, 30 lb. cases. 480 cases of .5 gram individual margarine servings. (Promise or approved equal) and all related items.

**Department:** Corrections  
**Location:** SCI-Pittsburgh, 3001 Beaver Avenue, Pittsburgh, PA 15233  
**Duration:** July 1, 2004 to June 30, 2005  
**Contact:** Nancy Keller, (412) 761-1955

**112** All items to be bid bi-monthly, all amounts are approximate for period July 1, 2004 to June 30, 2005. Pounds are approximate for 12 month period. Poultry meat, 22,000 lb.; turkey breast, 14,000 lb.; chicken patties, breaded, 6,000 lb.; chicken patties, unbreaded, 6,000 lb.; turkey Kielbasa, 4,000 lb.; turkey ham, 8,000 lb.; chicken franks, 9,000 lb.; ground turkey, 12,000 lb.; and all related items.

**Department:** Corrections  
**Location:** SCI-Pittsburgh, 3001 Beaver Avenue, Pittsburgh, PA 15233  
**Duration:** July 1, 2004 to June 30, 2005  
**Contact:** Nancy Keller, (412) 761-1955, ext 378

**120** Frozen entrees - items will be bid bi-monthly. Amounts are approximate for period between July 1, 2004 to June 30, 2005. Waffles, frozen, 10,500 dozen and Pierogies, frozen, 400 cases and all related items.

**Department:** Corrections  
**Location:** SCI-Pittsburgh, 3001 Beaver Avenue, Pittsburgh, PA 15233  
**Duration:** July 1, 2004 to June 30, 2005  
**Contact:** Nancy Keller, (412) 761-1955

**102** Items to be bid bi-monthly, all amounts are approximate for period July 1, 2004 to June 30, 2005. Cheese Pizza, 5.5 oz, 62,000 each, prepared frozen. Individual pizza to contain 1-1/2 oz. mozzarella cheese only, 1-1/2 oz. tomato sauce and spice on a 2-1/2 oz. enriched crust. Packed 48/case. Net weight: 16 lb./case; and all related items.

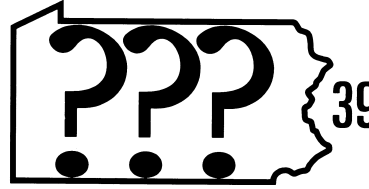
**Department:** Corrections  
**Location:** SCI-Pittsburgh, 3001 Beaver Avenue, Pittsburgh, PA 15233  
**Duration:** July 1, 2004 to June 30, 2005  
**Contact:** Nancy Keller, (412) 761-1955, ext 378

**105** Ice cream in 4 oz. cups, minimum of 1/3 delivery to be with toppings and one meal of sherbert per month. Approximately 40 dozen cups weekly, from July 1, 2004 to June 30, 2005. Bids will be sent out bi-monthly.

**Department:** Corrections  
**Location:** SCI-Pittsburgh, 3001 Beaver Avenue, Pittsburgh, PA 15233  
**Duration:** July 1, 2004 to June 30, 2005  
**Contact:** Nancy Keller, (412) 761-1955, ext 378

**106** Items will be bid bi-monthly, all amounts are approximate for period July 1, 2004 to June 30, 2005. Pounds are approximate for 12 month period. Cheese, processed American 20,000 lb.; Cheese, processed Swiss, 10,000 lbs.; Longhorn cheese, 7,000 lbs., and all related items.

**Department:** Corrections  
**Location:** SCI-Pittsburgh, 3001 Beaver Avenue, Pittsburgh, PA 15233  
**Duration:** July 1, 2004 to June 30, 2005  
**Contact:** Nancy Keller, (412) 761-1955



## Miscellaneous

**461487** Fuel Tax Recovery Services.

**Department:** Transportation  
**Location:** Equipment Division, 17th Street and Arsenal Blvd., Harrisburg, PA 17120  
**Contact:** Mark Reigle, (717) 783-6108

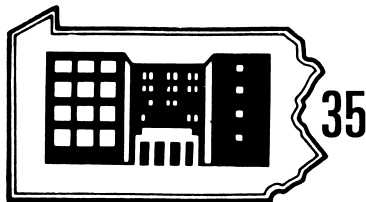
**18186** The State Correctional Institution at Pittsburgh requests proposals for a Chaplain to provide chaplaincy services approximately twenty-four (24) hours per week for inmates of the Protestant Faith. Selection of vendor will be based on the following factors: 1-Correctional Experience, 2-Response to a Corrections Scenario; 3-Contract Amount; 4-Training and Theology. Date of award for this contract will commence for thirty-six (36) months through SCI-Pittsburgh's transition (downsizing) and possible closure. Any questions, contact Rev. Tammi Hooker or Marlene Stewart at 412/761-1955.

**Department:** Corrections  
**Location:** SCI-Pittsburgh, 3001 Beaver Avenue, Pittsburgh, PA 15233  
**Duration:** Date of award, proceeding for thirty-six months.  
**Contact:** Nancy Keller/Purchasing, (412) 761-1955

**ITQ #2004-IT-04** The Pennsylvania State System of Higher Education, Office of the Chancellor, is soliciting proposals from qualified vendors to provide computer and electronic equipment. Interested vendors may obtain a bid package (ITQ #2004-IT-04) by contacting: Scott Bailey, Procurement Manager, Pennsylvania State System of Higher Education, Office of the Chancellor, 2986 North Second Street, Harrisburg, PA 17110, 717-720-4155, fax 717-720-4111, sbailey@sshechan.edu. Bids are due no later than July 27, 2004 11:00 a.m. Bid Opening will be held at: Dixon University Center, Finance and Administration Conference Room, Administration Building, Second Floor, 2986 North Second Street, Harrisburg, PA 17110.

**Department:** State System of Higher Education  
**Location:** Harrisburg, PA  
**Contact:** Scott Bailey, (717) 720-4155

[Pa.B. Doc. No. 04-1230. Filed for public inspection July 2, 2004, 9:00 a.m.]



## Real Estate Services

**93717** Commonwealth real estate for sale - Laurelton Center, Hartley Township, Union County, Pennsylvania. The Department of General Services, through its exclusive marketing agent, will accept bids for the purchase of approximately 340-acres of property and numerous buildings, known as the Laurelton Center, located on the North and South sides of State Route 45, Hartley Township, Union County. Interested parties wishing to receive a copy of solicitation #93717 or to schedule a site visit, should contact Binswanger CBB, Attn: Andrew Harris, 48 South Service Road, Melville, NY, 11747, telephone 631-465-2045, fax 631-465-2047. Inquires can also be sent by e-mail to: aharris@binswanger.com.

**Department:** General Services  
**Location:** Binswanger CBB, Attn: Andrew Harris, 48 South Service Road, Melville, NY, 11747  
**Contact:** Andrew Harris, (631) 465-2045

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## DESCRIPTION OF LEGEND

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| <p><b>1</b> Advertising, Public Relations, Promotional Materials</p> <p><b>2</b> Agricultural Services, Livestock, Equipment, Supplies &amp; Repairs: Farming Equipment Rental &amp; Repair, Crop Harvesting &amp; Dusting, Animal Feed, etc.</p> <p><b>3</b> Auctioneer Services</p> <p><b>4</b> Audio/Video, Telecommunications Services, Equipment Rental &amp; Repair</p> <p><b>5</b> Barber/Cosmetology Services &amp; Equipment</p> <p><b>6</b> Cartography Services</p> <p><b>7</b> Child Care</p> <p><b>8</b> Computer Related Services &amp; Equipment Repair: Equipment Rental/Lease, Programming, Data Entry, Payroll Services, Consulting</p> <p><b>9</b> Construction &amp; Construction Maintenance: Buildings, Highways, Roads, Asphalt Paving, Bridges, Culverts, Welding, Resurfacing, etc.</p> <p><b>10</b> Court Reporting &amp; Stenography Services</p> <p><b>11</b> Demolition—Structural Only</p> <p><b>12</b> Drafting &amp; Design Services</p> <p><b>13</b> Elevator Maintenance</p> <p><b>14</b> Engineering Services &amp; Consultation: Geologic, Civil, Mechanical, Electrical, Solar &amp; Surveying</p> <p><b>15</b> Environmental Maintenance Services: Well Drilling, Mine Reclamation, Core &amp; Exploratory Drilling, Stream Rehabilitation Projects and Installation Services</p> <p><b>16</b> Extermination Services</p> <p><b>17</b> Financial &amp; Insurance Consulting &amp; Services</p> <p><b>18</b> Firefighting Services</p> <p><b>19</b> Food</p> <p><b>20</b> Fuel Related Services, Equipment &amp; Maintenance to Include Weighing Station Equipment, Underground &amp; Above Storage Tanks</p> <p><b>21</b> Hazardous Material Services: Abatement, Disposal, Removal, Transportation &amp; Consultation</p> | <p><b>22</b> Heating, Ventilation, Air Conditioning, Electrical, Plumbing, Refrigeration Services, Equipment Rental &amp; Repair</p> <p><b>23</b> Janitorial Services &amp; Supply Rental: Interior</p> <p><b>24</b> Laboratory Services, Maintenance &amp; Consulting</p> <p><b>25</b> Laundry/Dry Cleaning &amp; Linen/Uniform Rental</p> <p><b>26</b> Legal Services &amp; Consultation</p> <p><b>27</b> Lodging/Meeting Facilities</p> <p><b>28</b> Mailing Services</p> <p><b>29</b> Medical Services, Equipment Rental and Repairs &amp; Consultation</p> <p><b>30</b> Moving Services</p> <p><b>31</b> Personnel, Temporary</p> <p><b>32</b> Photography Services (includes aerial)</p> <p><b>33</b> Property Maintenance &amp; Renovation—Interior &amp; Exterior: Painting, Restoration, Carpentry Services, Snow Removal, General Landscaping (Mowing, Tree Pruning &amp; Planting, etc.)</p> <p><b>34</b> Railroad/Airline Related Services, Equipment &amp; Repair</p> <p><b>35</b> Real Estate Services—Appraisals &amp; Rentals</p> <p><b>36</b> Sanitation—Non-Hazardous Removal, Disposal &amp; Transportation (Includes Chemical Toilets)</p> <p><b>37</b> Security Services &amp; Equipment—Armed Guards, Investigative Services &amp; Security Systems</p> <p><b>38</b> Vehicle, Heavy Equipment &amp; Powered Machinery Services, Maintenance, Rental, Repair &amp; Renovation (Includes ADA Improvements)</p> <p><b>39</b> Miscellaneous: This category is intended for listing all bids, announcements not applicable to the above categories</p> |
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DONALD T. CUNNINGHAM, Jr.  
*Secretary*